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## AMRITSAR AND OUR DUTY TO INDIA

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A SEPOY FLOGGING AN OFFENDER.

On the left is a British sentry with fixed bayonet

*Frontispiece.*

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AMRITSAR  
AND  
OUR DUTY TO INDIA

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BY  
B. G. HORNIMAN

WITH FOUR ILLUSTRATIONS

T. FISHER UNWIN, LTD  
LONDON : ADELPHI TERRACE

*First Published . . . May, 1920*  
*Second Impression . June, 1920*

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# AMRITSAR AND OUR DUTY TO INDIA

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## INTRODUCTION

No event within living memory, probably, has made so deep and painful an impression on the mind of the public in this country as what has become known as the Amritsar Massacre. This is not surprising, for the event itself is without parallel. The British mind was shocked by, and indignant at, the Congo atrocities and the frightful deeds perpetrated by the Germans in France and Belgium—to mention two outstanding instances. But it was a new experience to learn of revolting atrocities committed by British officers, and to learn of them at first hand from the mouths of the perpetrators themselves, in frank, brutal, and often boastful, language. The relation by General Dyer of the manner and circumstances in which he performed what he conceived to be a “horrible duty,” and



the further horrifying admissions by him and other British officers, who administered Martial Law in the Punjab in April, May, and June of last year, leave us under no obligation to suspend judgment on deeds which no cause or provocation could justify or excuse in the minds of decent men and women. On the contrary, the suggestion that the investigations of the Hunter Committee might result in the finding of such justification or excuse—which seems to find support from no less a person than the Secretary of State for India—requires to be countered and repudiated at the outset.

It is impossible to believe that the people of England could ever be persuaded that a British General was justified in, or could be excused for, marching up to a great crowd of unarmed and wholly defenceless people and, without a word of warning or order to disperse, shooting them down until his ammunition was exhausted and then leaving them without medical aid ; or that justification could be shown for indiscriminate and promiscuous bombing of unarmed civilian crowds from aeroplanes, or forcing all and sundry

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to crawl through a street as an act of retaliation, or public floggings, or enclosing suspects in a public cage—to mention only a few of the measures carried out by the men who administered Martial Law in the Punjab. But it is possible that issues may be obscured, and the attention of an ill-informed public diverted by misleading, exaggerated, and wholly false representations as to the degree of danger in the situation with which the men who did these things had to deal. It is desirable, therefore, that the public should be placed in possession of the essential facts. To this end, it is the purpose of this book to explain the situation which produced the disturbances that led to the establishment of Martial Law in the Punjab last year, as well as the causes which produced the situation. It is the more desirable because the Hunter Committee was conducting an inquiry that was inadequate and one-sided, and, by the terms of reference, was precluded from examining and reporting on one of the most important factors—the responsibility for, and participation in, wrongdoing of the Government of India, which gave a blank cheque

to Sir Michael O'Dwyer, the Lieutenant-Governor of the Punjab, and did everything needful to supply the deficiencies of his own limited authority.

As regards the first defect, the Hunter Committee has, except in Delhi and Ahmedabad, heard only the evidence of officials, and a few other witnesses put forward by the Government to support the official case. A mass of evidence was carefully prepared, after months of investigation, by a committee appointed for the purpose by the Indian National Congress. This involved, however, the production of political leaders and others, who were, at the time, in gaol, undergoing sentences imposed by Martial Law Courts. These men naturally refused to give evidence unless they were allowed to be present to hear the evidence given against them, and to have the right to cross-examine the official witnesses, either by counsel or otherwise—counsel for the Government, it may be mentioned, have been present throughout with free right of examination of all witnesses. The Government of India refused this request, and would only allow the

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release of these men for the period of their own evidence in each case. The Hunter Committee, when asked to exercise its authority in the matter, refused to intervene. In these circumstances, the persons concerned very properly declined to give evidence, and the Committee of the Congress decided to boycott the inquiry. Since then, many of these men have been released under the terms of the King's Proclamation for a general amnesty, and the offer was again made, according to a Reuter's telegram, for their evidence to be given, but the Hunter Committee replied that the opportunity for so doing had passed.

Without entering into the merits of this controversy, it will be agreed that an inquiry which lacks the presentation of the people's side of the case cannot be regarded, in a matter of such extreme gravity, as adequate or satisfactory.

As to the other defect, the matter is clear. The Hunter Committee was appointed by the Government of India, and it is to report to the Government of India ; and its composition in-

cludes representatives of the Government, both civil and military. The responsibility of the Government of India in this matter, as well as that of the Secretary of State, in view of all that has been revealed and all that was for so long concealed, is obviously a matter for public inquiry, and that can only be done by a Commission of a wholly impartial kind appointed by Parliament. We owe it as much to ourselves as to the people who have suffered these great wrongs that responsibility should be fixed and accounted for in every quarter, from the highest to the lowest. British honour and good faith are gravely imperilled in India to-day. Whether they survive or whether they are to be accounted as naught is the grave question with which the British people are faced. On the answer depends whether our relations in the future with a people bitterly aggrieved are to be good or evil.

As it is clear that the report of the Hunter Committee cannot place the public in this country in the possession of all the knowledge that is essential to a full understanding of a matter of

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which they are largely ignorant, I propose to set before them as fairly and as briefly as I can in the following pages :

### 1. CAUSES OF UNREST.

The general causes, and, in particular, the policy of the Government which produced so great a ferment in India in the early part of last year.

### 2. THE ROWLATT ACT AGITATION.

An explanation of the Rowlatt Act and the reasons for which it was regarded by the people of India with feelings of apprehension amounting to terror.

The obduracy and provocative policy pursued by the Government of India in forcing such hated legislation through the Imperial Council, in the face of a united national protest.

The aggressive measures adopted in the Punjab which were the immediate cause of the disturbances,

### 3. THE REIGN OF TERROR.

The horrors of Sir Michael O'Dwyer's "Reign of Terror" during the administration of Martial Law, and his deliberate plan of concealment carried out with the connivance of the Government of India.

### 4. RESPONSIBILITY.

The facts regarding the responsibility of :

1. The Secretary of State.
2. The Viceroy and the Government of India.
3. Sir Michael O'Dwyer and his Martial Law administrators.

PART I  
*CAUSES OF UNREST*





## CHAPTER I

### INDIA'S SACRIFICES AND SUFFERINGS IN THE WAR

No country suffered economically more severely from the war than India. The poverty of her people is perennial, and probably unparalleled throughout the world. The bulk of the population is agricultural. There are a few, comparatively speaking, large and wealthy landowners, but the vast mass of this great agricultural population consists of small peasant proprietors and labourers who are permanently in debt, and whose average income may be placed generously at £2 per annum. The industrial and middle-class population is not much better off. To take a few figures at random, for these pages cannot be filled with statistics, an idea of the chronic condition of poverty that prevails can be gained if it be mentioned that the pay of a clerk in Bombay or Calcutta varies from about 27s. to £10 a month ; a police-constable gets about 10s.

a month ; the wages of mill-workers vary, in Bombay, from 16s. to a little over £3 a month, and in Bengal from 12s. to £2 a month. Miners are paid even less. In these people's lives luxury and amusement are practically non-existent, their living is a bare subsistence, they are without many of what we regard as the necessities of life, there is no margin to meet the stress of hard times. They live in a permanent state of indebtedness. When people talk, as they often do wickedly enough, of the "prosperity of India" during the war, they ignore the fact that the wealth is distributed among a small capitalistic class, in which the foreign element plays a large part. Prosperity has never assailed the patient lives of the toiling masses, whose condition of drudgery is such, that they are sufficiently grateful if they get from day to day the bare amount of simple food which enables them to sustain their short lives, which end mostly at or before middle age. It does not need a very vivid imagination to realise how heavily the burden of war fell upon a people whose economic condition is so deplorable.

The Government did nothing to lighten the burden. They aggravated it in many ways. We may pass over the egregious lectures which officials, high and low, delighted in giving to the people on their good fortune in being so far removed from the actual theatres of war. The fact remains that they felt the incidence of war in their daily lives with a severity that would not have been borne by a people less patient, and accustomed to suffering. The expression, used by Lord Hardinge, that India was "bled white" in the early part of the war, applies to her condition throughout the four and a half years that it lasted. Enormous quantities of food-stuffs, that would otherwise have been utilised for home consumption, were continually sent out of the country for the use of the armies in the field, and every sort of commodity and raw material that could be used for military purposes was, of course, "controlled" in the interests of the Government. Control of coal, wheat, hides, etc., for Government purposes, was, for a long time, the only kind of control set up and exercised. Many scandals were connected with that, with

which, however, we are not concerned for the moment. It was not until very late in the day, and after the pent-up sufferings of the people had produced a food riot in Bombay, that the Government at last yielded to the demand for the control of rice and other commodities, in which the most rampant profiteering had been carried on at the expense of the people. And this, when it came, was very incompetently exercised, and not free from suspicion of corruption, with the result that it brought little relief to the sufferers. Added to all this was the slowness of Government and private employers in yielding to the need for some commensurate increase in the remuneration of their employees, and the inadequacy of the increase when at last they moved. In one direction, though, it is interesting to note that the Bombay Government, at least, acted with strength and decision. They passed a drastic Rent Act, which, while it was of undoubted benefit to the working and middle classes, incidentally proved a boon to the European community, official and non-official, in whose interests Governments in India can

always be persuaded to move promptly and decisively.

But the Indian public bore it all very patiently. They were enthusiastic for the war at the outset, the cause stirred their imagination, and roused their sympathy, in a sense which can only be appreciated by those who can realise the sentiments towards oppressed peoples which must animate a people who look to gain their own freedom. And if enthusiasm is not exactly the word to describe their sentiments as the gigantic struggle dragged its weary length from one disappointment to another, they never wavered in the loyalty of their attitude to the Allies' cause. They believed the war was being waged for the freedom of all, and the reiterated declarations of one British statesman after another, and the expressed ideals with which President Wilson came into the war, encouraged them in the high hope that their freedom as a full partner in the Empire must inevitably follow the winning of freedom for others by the help of their sacrifices. So for the most part they were uncomplaining. They kept up a steady

agitation for their own claims, in the face of the tendency to discourage those claims, and even to repudiate them, on the part of those representing British authority. But they supported the war by colossal sacrifices, proportionate to their own poverty. Enormous sums were raised for hospitals, and the philanthropic side of the war generally. A million and a half men went to shed their blood on the battlefields of Europe, Africa, and Asia, and even to fight against the Turks, whose Sultan exercises spiritual authority over so many of the Indian soldiers, and whose allegiance to their temporal sovereign was sustained by the solemn promises made to them that their spiritual interests would not be assailed, or allowed to suffer. There is little margin for additional taxation of a people so poor, but that imposed was borne without complaint, and one loan after another was raised, while in addition a free gift of a hundred million sterling was made by the poorest to the richest country in the world !

## CHAPTER II

### WAR LOAN AND RECRUITING METHODS

THE effort that was made might even have been greater if the policy and methods pursued by the Government had been less harsh, provocative, and stupid. The Indian Defence Force Act, which was passed for the conscription of Europeans, and, secondly, to recruit battalions from the educated Indian classes, was a failure in the second object. It might have been a success if the Government had not refused Indians access to the commissioned ranks, and thus created a prejudice against the proposal which could not be overcome. Recruiting campaigns for the regular Army might have been attended with a far greater measure of success if they had not been hopelessly officialised and conducted in many instances, especially in the Punjab, by the methods of the old English press-gangs in the French wars. Popular leaders, some of whom



were actually clamouring for conscription, were distrusted and ignored, and recruiting committees were composed, for the most part, of officials and their nominees, who, in their turn, were distrusted by the people. In the Punjab, and elsewhere, the method adopted was to indent on each district and village for the number of recruits that it was considered it ought to produce, and then leave it to the local officials to see that the complement was forthcoming, using such methods of "pressure and persuasion" \* as they thought fit. Some of the methods employed, such as trumped up prosecutions and actual cruelties on the person, to enforce recruitment have been revealed before the Hunter Committee. But if a tithe of the stories of oppression and cruelty that are related in the bazaars and by people of standing were true, it would form a severe indictment of Sir Michael O'Dwyer's Government. Popular leaders advocated, and would have raised, a great citizen

\* This was the phrase used by Lord Willingdon's Government in description of methods of rank oppression, which they held to be legitimate, in obtaining subscriptions for a war loan.

army. But that was too dangerous an expedient for a Government that rules by force.

Nor were the methods employed to raise the war loans less obnoxious. It must not be assumed that coercive measures, which is the proper English for Lord Willingdon's "pressure and persuasion," were necessary. The loans could have been raised as well by the reasonable and productive methods of securing popular co-operation. And it is only fair to say that in the large cities, where the light of day prevails, this was done to a considerable extent. But in the country districts the "indent" system prevailed. Local officials had to make returns of the lending capacity of the areas in their charge, and subordinates, feeling that their reputation for efficiency depended on results, entered with zest, down to the police-constable, on the task of extorting the highest amount that "pressure and persuasion" could produce. All over India one heard the stories of this campaign of extortion from people who could not afford to pay. Without going to the Punjab, the story of what occurred in a *taluka* in the Bombay Presidency

may be quoted, for it includes the *zoolum*\* both of war loan and recruiting methods. Here the local *mamlatdar*, or petty collector, followed what appears to have been a not infrequent practice of sending out summonses on official printed forms, under the Land Revenue Code, calling upon people to appear before him "in regard to the War Loan." Then he descended on a village, summoned certain villagers to appear before him, arbitrarily made out a list of the amounts they were expected to pay, and then closed the village well until such time as they paid. That particular case was fully exposed. But Lord Willingdon's Government, far from being shocked, after a perfunctory investigation, issued the communiqué condoning "pressure and persuasion."

The following year the *mamlatdar*, having received this meed of encouragement, followed similar methods in obtaining recruits. Summonses on this occasion were sent out on printed forms under the "Recruiting Act," a

\* The word is not fully translatable, but it means generally oppression.

statute which had no existence except in his ingenious brain, and men were taken by force. The people's patience, under the two years' strain, broke down when he seized the assistant priests of a temple, had them forcibly shaved, and proposed to hand them over to the recruiting officer. An angry mob surrounded his bungalow, and, after allowing his family to escape, burnt it to the ground with him in it. That was a direct outcome of the condonation of oppression, and now the village has to pay a punitive police tax, though several people were hanged or imprisoned for the crime. A great deal more might be written to expose the scandals attending these recruiting and war loan campaigns, but the present object is served if enough has been said to show the kind of harassment which the Indian people bore with remarkable patience throughout the war, ever looking to the end, which was to bring them relief from these oppressions and emancipation from their political shackles.

## CHAPTER III

### POLITICAL REPRESSION

THEIR troubles, however, were not confined to their economic sufferings and these oppressive and iniquitous methods of raising the sinews of war. Public opinion was continually irritated and provoked by the persistent endeavours to repress legitimate political propaganda and muzzle the Press. At the beginning of the war, there was an appeal for the suspension of all controversy, to which the Indian leaders cordially responded and loyally conformed, until it became clear that this was to be a one-sided arrangement. While demanding abstention from political agitation by the public, and expecting to be immune from criticism in the Legislative Councils, the bureaucrats themselves carried on "as usual" with the introduction of highly controversial legislation, and in other ways. The "no controversy" pact could hardly be expected to last under these conditions, especially when

## POLITICAL REPRESSION

it was found that the war was not regarded as a bar to the conduct of political agitation in England, and other parts of the Empire. Indians began to wonder, when they found that the self-governing Dominions were beginning to put forward their claims for a voice in the supreme councils of the Empire and a more definite position in the Imperial scheme after the war, what would become of India, the Cinderella of the Empire, if they remained silent and waited for their claim to be adjudged, and their reward defined by others. And when Mrs. Besant uttered a warning on the subject, and followed it by launching the Home Rule League campaign, there was a wide and enthusiastic response. Public apprehension as to the fate of India in a post-war reconstruction of the Empire was raised to a high pitch by the accidental discovery of the amazing proposals of the Round Table group, which were being formulated and discussed by certain high officials and Mr. Lionel Curtis, with the assistance of Sir Valentine Chirol. Mr. Lionel Curtis went to India to study the conditions of the country, in order to solve the problem

of how India was to be fitted into the scheme of an Imperial Commonwealth, and he was actively assisted in his subterranean propaganda by Sir James Meston,\* then Lieutenant-Governor of the limited Provinces, and Mr. Marris,† his Inspector-General of Police. In a private letter to Mr. Philip Kerr, then secretary of the Round Table Conference, Mr. Lionel Curtis discussed the possibility of India being made subordinate, in her external and internal affairs, to an Imperial Council, on which the self-governing Dominions would be represented, but she would not. He added that this would perhaps lead to bloodshed, but if it were the right thing to do, that would have to be faced. The writer stated in his letter that the views expressed in it were generally approved by "Meston, Marris and Chirol." Copies of this letter, for circulation among the Round Table Confederates, were actually printed in the Government Press at Allahabad. One came

\* Now Lord Meston.

† Now Sir James Marris. It is not without significance that these two officials subsequently played a large part in the moulding of the Montagu reforms, and that Mr. Lionel Curtis was the inventor of Dyarchy.

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into the hands of *The Bombay Chronicle*, which promptly published it, and the echoes of the sensation it caused have hardly yet died. Its publication coincided with the sittings at Lucknow in December, 1917, of the Indian National Congress, and immensely strengthened the position of those who were urging that Indians must agitate for their rights, war or no war, and gave a great impetus to the Home Rule movement throughout the country.

Lord Chelmsford and his Government, and the Provincial Governments, in varying degrees, were at the same time setting their faces with an ugly expression against all active political propaganda. They began to use the Press Act with frequency and severity. Lord Willingdon surprised those who had looked upon him as a sympathetic and liberal-minded administrator by putting the Defence of India Regulations in force for the exclusion of Mrs. Besant from the Bombay Presidency, and publicly deprecating and even reprobating political agitation. The Viceroy received a deputation of the Indian Press Association, who represented the injustice



and severity of the Press Act and its operations, only to hector them like schoolboys and to express views which would have done credit to the Austrian administrators to whom the late Sir Herbert Risley went for the models on which he drafted the provisions of the Act. At about the same time, early in 1917, a confidential circular was sent out to the Provincial Governments, instructing them to deal drastically with Home Rule propaganda and Home Rule organisations. The Mohammedan community especially suffered. Mahomet Ali and Shaukat Ali, the two most popular Moslem leaders in India, were interned early in the war, their paper was suppressed, and one Moslem journal after another, especially in the Punjab, was penalised, and usually succumbed under the operations of the Press Act and the Defence of India Act. In Bengal the internment of suspects proceeded on a wholesale scale till the number ran into thousands. Young men disappeared from their homes, some to be confined in solitary cells, and the public imagination was stirred to its depths by stories of torture and

men going mad and committing suicide under imprisonment without trial or charge. A young professor of the Calcutta University, who became mad in gaol (he was never charged or tried), was actually removed to a criminal lunatic asylum, and the Government of Bengal replied to his mother's pathetic appeal for his release on the ground that his power to harm the Government was gone, that she could, if she wanted to be near her son, take up her residence in the asylum on condition that she submitted herself to the ordinary rules and regulations of the institution ! The careless fashion in which the terrible powers of the Executive, under the Defence of India Act, were being used was illustrated by a case in which two innocent Bengali ladies were arrested made to walk several miles under the hot sun, then carried a long distance by bullock cart, and finally imprisoned in a common gaol for a considerable period, before it was admitted that their arrest was due to a mistake resulting from gross carelessness, and their agony prolonged by a series of blunders in red-tape routine. The final touch of horror was added when two High

Court Judges, appointed to report on the operation of the Act in Bengal in regard to internments, declared that, while torture to extort evidence was to be deprecated, it was not desirable to ignore evidence so obtained in the case of revolutionary crime for the internment of suspects !

Finally came the dramatic pronouncement of Lord Pentland, the Governor of Madras, who publicly declared that people had better put all thoughts of the early realisation of self-government out of their minds, denounced the Home Rule agitation, and declared his intention of dealing with those who ignored his warnings with a heavy hand. Soon afterwards the whole of India was thrown into a state of ferment by the internment, by Lord Pentland, of Mrs. Besant and her chief lieutenants. This was in June, 1917.

## CHAPTER IV

### THE GLOOM OF 1919

WHAT would have ultimately followed upon this it is not necessary to speculate. The immediate effect was an intensification of the Home Rule agitation, added to which was the clamour all over the country for the release of the interned leaders. The advent of Mr. Montagu to the India Office, however, following upon the discredit thrown upon the Government of India by the Mesopotamia revelations, brought about a change of attitude. 'The announcement of August, 1917, declaring that responsible government was the goal of British policy, in spite of its qualifying phraseology, brought some measure of relief to a distracted people whose leaders were at that moment about to inaugurate a passive resistance movement, and public apprehensions were further calmed by the announcement of Mr. Montagu's visit to India to discuss reforms with the Viceroy and public bodies, by the

release of Mrs. Besant, and the removal of restrictions on certain other persons.

A period of comparative restfulness followed. But the publication of the Montagu-Chelmsford scheme in the following year produced a profound sense of disappointment by the inadequacy of its proposals. It was roundly condemned, even by some of those who subsequently accepted it *faute de mieux*. Mrs. Besant, who has since visited England as its champion, declared at the outset that it was "unworthy of England to offer and unworthy of India to accept." The Congress, in a special session attended by a record number of delegates, declared that it was "disappointing and unsatisfactory," and demanded a number of extensions and modifications, none of which have been accepted. They laid special stress on a "Declaration of Rights" guaranteeing to Indians freedom of person, speech, and association, and equality of rights with all subjects of the King and Emperor.

The reply of the Government of India to the demand for a Declaration of Rights was the introduction of the Rowlatt Bills, which proposed

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permanently further to limit in an extraordinary degree the rights of Indians. The Rowlatt Bills were published early in 1919 and introduced, and the principal one passed into law, in a few days in March. The next chapter will deal with their provisions, and the reasons which caused the Indian people to regard them with such grave apprehension, and the consequent agitation in the country. In the meanwhile, it should be noted that nothing had happened, apart from this, to ameliorate the temper of the people, but a great deal to aggravate it. The conclusion of the war brought no relief of the severity of economic conditions. On the contrary, foodstuffs seemed to grow dearer; and public movements for the betterment of the condition of the people, especially in the case of industrial strikes, were dealt with unsympathetically and even harshly. The scandal of the incompetence of food control was growing. During the great mill strike in Bombay the mill districts bore the aspect of an armed camp, and strikers were shot down in circumstances that would have evoked a storm of wrath

had these events occurred in England. The Mohammedan community was deeply perturbed by the threatened fate of Constantinople and the blow thus to be struck at their spiritual head, as well as by the continued internment of their leaders, and repression of propaganda. In all this the sympathies of their Hindu brethren were keenly excited. Finally, the rumblings of a threatened mutiny in the Indian Civil Service, and the bitter agitation of the European community against the Reforms were crowned by the obvious intention of the Government of India to attempt to have them whittled down. The conclusion of the war thus found India in a condition of gloomy apprehension and irritation, and in looking ahead their attention was necessarily concentrated on the certain evils of the Rowlatt Act, rather than the questionable benefits of the Reform scheme, which promised them no relief from the iron control of the irresponsible bureaucracy.

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PART II

*THE ROWLATT BILLS AND THE  
AGITATION*

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## CHAPTER V

### ORIGIN OF THE ROWLATT LEGISLATION

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IN dealing with the agitation which was produced by the introduction of the Rowlatt Bills, and which came to a head on the passing of the second but the more important of them into law, it is necessary to offer first a brief account of the measures, why they were brought in, and why the people of India regarded them with alarm bordering on panic.

From the year 1907 and onwards there was a certain amount of revolutionary crime in India ; it was not widespread, it was confined to a small section of extremists, who, however, were extremely well organised, and became better organised as time went on. Acts of violence, in the form of the assassination of officials (mostly the police officers who were investigating their crimes), and *dacoities* (robbery under arms by gangs), were the chief features of their campaign ; but they endeavoured also to work on the minds

of the younger generation in schools and colleges, chiefly in Bengal, by means of secret propaganda. The police, especially in Bengal, were by no means successful in coping with their crimes, which if spasmodic and infrequent—if considered statistically in relation to crime as a whole—were sufficiently disconcerting to the Government, and particularly to the police, from whose ranks most of their victims were selected. The legal annals of Bengal contain the records of cases during the years from 1908 to 1914 which were abortive on account of the blundering and ill-conceived methods of the police themselves, in spite of the fact that an Act was passed for the removal of such cases to special tribunals, composed of three High Court Judges. These failures were due to the usual faults of police work in India—the hankering after approvers and confessions, to be obtained by any means, good or bad ; the concoction of a little evidence to make a bad case good or a good case better ; and the suppression of facts which fail to fit the theory that has been built up for the convenience of the prosecution. However that may be, the fact

was that these crimes, without growing to very large proportions, continued, and the police authorities took up the attitude that, if they were to be confined within the limits of the procedure which bare justice demands and human liberty enjoins, they were helpless in the face of a secret organisation which persistently defied their efforts. Demands were put forward for special powers, the lowering of the standard of evidence, and other devices for the easy success of the police in securing convictions. The Indian police, as at present constituted, are the very last who should be entrusted with such extraordinary powers: they already enjoyed more than the police in this country in a great many respects. And the whole Indian Press anticipated with the liveliest apprehension the prospect of any extension of those wide powers which already enabled the police to oppress the people.

Whether legislation on the lines indicated would have been attempted is now matter only for profitless speculation. The war came, and with it an unexpected opportunity for those who favoured drastic methods of dealing with political

suspects. One of these was Sir Reginald Craddock, then Home Member of the Viceroy's Executive Council, and he grasped the opportunity. He was chiefly responsible for the Defence of India Act, the Indian D.O.R.A., which was placed before the Viceroy's Legislative Council, and patriotically accepted by the Indian non-official members (to their lasting regret) as a "war emergency" measure. Sir Reginald Craddock explained that it might be divided into two parts—the one dealing with emergencies of a purely military nature, and according to the Government special powers in that respect ; the other dealing with conspiracies against the State, etc. Very wide powers for internment of persons without trial, and restriction of the liberty of individuals in writing, speech, and movement were given to the Executive, and these were not limited to action against persons of hostile origin or associations, as in England, but were usable against any subject of the King. In addition, power was given for the trial of offences under the Act by tribunals composed of commissioners below the status of High Court Judges, who

would have the power to take direct cognisance of offences, thus abolishing all preliminary proceedings, and would sit without juries. There was to be no appeal from any sentence passed by them, and their powers of punishment extended to the death sentence. Nobody ever supposed that these powers would be used, except for purposes coming legitimately under the description of war emergency. But the disillusionment was grave. Political suspects of all sorts were imprisoned without trial, papers were made to suffer for their political views on the least pretext, the movements of political leaders who were loyal supporters of the war were restricted, and Special Tribunals sometimes sat to try cases not even remotely connected with the war, which were thus removed from their legitimate sphere, depriving those charged of their proper rights of trial by jury and appeal, etc. As an instance may be mentioned a case of a religious riot, which was utterly unconnected with any danger to the State, in which a large number of persons were tried and sentenced by a Special Tribunal under the Defence of India Act.

These things are mentioned here because they have an important bearing on the attitude of apprehension which was produced later when the Rowlatt Act came on the scene.

It is claimed by the Executive Authorities in India that the powers enjoyed under the Defence of India Act enabled them to cope, with a large measure of success, with the revolutionary crime which had baffled them hitherto. It is not necessary to argue about that. It is possible that, if the London police had power to arrest and imprison without trial indefinitely every person they suspected of burglarious intent, burglaries would for a time diminish, but it is certain that a very large number of innocent people would be thrown into gaol. The claim was made, and, in view of the fact that the war would one day end and the Defence of India Act cease to exist six months thereafter, the Executive bethought themselves of the means whereby these powers might be retained and even improved. Thereupon the Rowlatt Committee was appointed to report on revolutionary crime in India, and to recommend measures to cope with it in the

future. It is often the boast of the Government that this Committee was presided over by an English Judge, Sir Sidney Rowlatt, and included among its members two Indian Judges. A distinguished law lord said in the House of Lords, in reference to the Advisory Committee of Judges under D.O.R.A., that a committee of angels could not be expected to give an impartial decision if they heard only one side of the case, and the importance of the Rowlatt Committee's procedure and findings is not in the persons who made them, but in the inherent wrongness of what they did. If men are to be imprisoned without trial, and to have their national liberty and rights restricted in many other important ways, it is little consolation to those who suffer, or those who may at any moment be called upon to suffer, to know that the law under which they suffer is the outcome of the deliberations of a committee composed of Judges, who were set the task of recommending the means whereby the ordinary processes of justice might be dispensed with for the convenience of the Executive, in cases where those proper and essential processes



prevented the conviction of suspects. For the Rowlatt Committee, after all, were set a definite task, and all they did was to do what the Government asked them to do. In arriving at their conclusions, it is true that they confirmed the Government's view as to the gravity of the revolutionary crime that had existed, and the danger of its recrudescence. But it must be remembered that they conducted their deliberations *in camera*; the material on which they reported consisted for the most part of secret police records, and the public men whom they associated with responsibility for revolutionary propaganda or the promotion of movements which led to crime, as alleged, were not given the opportunity of appearing before them to be heard in their own defence. Such an investigation could hardly result otherwise than in a complete endorsement of Government views. But it is important to note that in making their recommendations as to the form of the legislation which would confirm, in the hands of the Executive, the powers temporarily exercised under the Defence of India Act, and improve them, the

Committee were careful to state that they had not considered whether such legislation was, in any respect, beyond the competence of the Governor-General in Council. Many hold that it was. But the point has not been tested.

The Government of India, however, were in no doubt on the matter. The armistice was no sooner signed than they set about the task of getting this legislation through. The two Bills were gazetted early in 1919 and introduced in the Imperial Legislature shortly afterwards. They were received with amazement by the public, who, accustomed as they had become to the harsh and repressive attitude of Lord Chelmsford's Government, had hardly believed that the triumph of the Allies in the struggle for world-freedom, so largely bought by Indian sacrifices, and the announcement of August, 1917, would be quickly followed by the introduction of drastic legislation, depriving people of their most elementary human rights and unparalleled in the laws of any modern civilised State.

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## CHAPTER VI

### THE "BLACK" BILLS

PROBABLY few people in Great Britain are well acquainted with the nature of the provisions of the Rowlatt Bills, or have any more than a vague idea about them as some repressive legislation which Indian agitators regarded as obnoxious. It has been said often enough by officials in India, by the Anglo-Indian Press and in telegrams sent to this country by Anglo-Indian correspondents, that the Bills were "wickedly misrepresented" on the platform in India. The fact is, that the provisions are so iniquitous in themselves that it would be extremely difficult to misrepresent them as anything worse than they are. Generally speaking, any proposals to place larger powers in the hands of the police are sufficient to create panic in the minds of the Indian populace, and they have had plenty of experience of the ruthless, cruel use which can be and is made of repressive

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legislation, which, of course, is always passed for purposes of temporary emergency and to deal with particular classes of persons, but has a habit of becoming permanent and applying itself in a generous and widespread fashion to all sorts of purposes and people. Executive authority does not easily surrender the powers it has once wielded, nor is it easily deterred from using for one purpose powers which were ostensibly given to it by the Legislature for another, if there is nothing in the letter of the law to prevent it. And in India, Executive authority, responsible only to a Parliament seven thousand miles away, which does not hear of happenings in India for eight months and sometimes longer, is naturally less scrupulous than in countries where it can be called quickly to account by those who have in their own hands the power of censure and punishment. The Press Act and the Defence of India Act, as has been already indicated, are glaring instances, to take only two, of legislation that has been used wholesale for purposes outside the scope to which a confiding Legislature, or its non-official minority, was persuaded it would be

confined. The plea, therefore, that the Rowlatt Act is only intended to deal with anarchists and revolutionary conspiracies and movements does not “cut any ice” with the Indian people. They want to know who is an anarchist and what is a revolutionary movement, and prefer that these all-important questions should be decided by proper procedure in the ordinary courts of justice instead of being left to the arbitrary decision of the Executive, who have peculiar and narrow notions on the subject.

However, a brief examination of the provisions of the two Bills will show whether they were the sort of proposals which a people who aspired to political freedom, who had made immense sacrifices and undergone great sufferings to win freedom from oppression for other peoples, could be expected to accept without going to the utmost lengths in resistance, even if they were to refrain from actual violence; or, rather, whether it was not legislation which the least discerning Government (we will leave out the consideration of sympathy and affection for, or gratitude to, the people) ought to have realised

would have raised the protests of the people to the pitch of frenzy.

**Rowlatt Bill No. 1.**—There is some mystery attaching to the peculiar fact that the lesser Bill was subjected to the process of "publishing," while the greater was immediately passed into law. In India there is a technical meaning attaching to the publication of a bill after its introduction in the Legislature. It means that it must be published in all the Provincial Government gazettes and then await the lapse of a certain period before it is passed into law. The Bill that has become an Act was not subjected to this process. It has been stated that the Secretary of State cabled his sanction only for the publication of the Bills, but the Government of India misunderstood or misread the cable, and took it as conveying sanction to proceed with its enactment, with the result that the first intimation of this fact that Mr. Montagu had came to him in the newspapers. The error was rectified too late, and the first Bill was then allowed, with a weakness which has not been wanting in the attitude of Whitehall to the

Government of India, to proceed on its course. Had Mr. Montagu been strong enough to insist upon the Bill being postponed, when it was realised that it would be resisted by a most strenuous popular agitation, the events which have so shocked public opinion in this country would not have occurred.

The minor Bill, however, although it has never passed the Legislative Council, played its part in the earlier stages of the agitation, when both Bills were at the stage of proposals which it was hoped to prevent from being passed into law. Its provisions, though less drastic and sweeping than those of the other measure, were sufficiently alarming. It provided for the amendment of the Indian Penal Code and the Code of Criminal Procedure. India is blessed with a law of sedition, which is as comprehensive and severe as one would have thought ingenuity could make it. The amendments of the two codes, however, proposed to make it even more severe. A new section, 124 B, was to be added which made it punishable by imprisonment up to two years, or by fine, or by both, for

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anyone to have in his possession any seditious document, intending that the same shall be published or circulated, unless he could prove that he had such document in his possession for a lawful purpose. The possibilities opened up by this provision, which presumes guilty intention and throws upon the accused the onus of proving the absence of intention, do not require elaboration. There is a direct negation of the first principle of British justice which presumes a man to be innocent, and throws upon the prosecution the onus of proving his guilt. A seditious document is defined in the code as one which instigates, or *is likely to* instigate, the use of criminal force against the King, the Government, or a public servant or servants. Many historical works, reports of trials, or mere curiosities of literature might be brought within so vague a description and the innocent possessor of such, being unable to achieve the impossible and prove that he had no intention that they should be published or circulated, be penalised under the proposed section. They might even come into his possession as waste paper, and be



used to wrap up tea or sugar with the most alarming results in the shape of a suggestion that he had discovered a peculiarly subtle and cunning way of spreading sedition. No suggestion as to the possible consequence of such a law could be regarded as fantastic by anyone acquainted with the methods of the Indian police, and their facile ingenuity in trumping up cases against those who have made themselves obnoxious to authority.

Having created a new crime, and set up a new and startling principle of law, the Bill next proposed to make justice still less safe by providing that on the trial of an offence under Chapter VI. of the Indian Penal Code (offences against the State) the following facts should be relevant—namely :

1. That the person accused has previously been convicted of an offence under that chapter, and

2. That such person has habitually and voluntarily associated with any person who has been convicted of an offence under that chapter.

That an accused's previous conviction should

be used against him is another startling perversion of British justice as we know it and as we have boasted of it in India; hardly less so is the proposal that a man may have it brought in evidence against him that he has habitually and unlawfully associated with anyone who has been convicted of a seditious offence. The friends and relatives of a man who had been convicted under one of the dangerously vague sedition sections of the Indian Code might well begin to shun him, in the knowledge that association with him might be used against them at some future time.

Finally, the Bill proposed that a person *convicted only once* of an offence punishable under Section VI. should be liable to an obligation on his release from gaol to execute a bond with sureties for his good behaviour for a period not exceeding two years. In the event of his not being able to do so, the released person would have to notify his residence, and any change of his residence, to the police during the prescribed period. And, not satisfied with this, the authors of the Bill proceeded to provide that the Local

Government might further place him under a series of restrictions extending to internment and prohibition of speech or writing, with the penalty of imprisonment and fine for disobedience.

**The Rowlatt Act.**—Such was Rowlatt Bill No. 1, which in itself was sufficient to justify the strongest public protest. Bill No. 2, which is now the Rowlatt Act, was far more wide and drastic in its provisions, sweeping away wholesale nearly all the safeguards and checks which human experience has incorporated in the forms of criminal procedure, which we are proud to call British justice. “*Na dalil, na vakil, na appeal*”\* was a popular cry, which, in rough-and-ready idiom, described but inadequately the dangerous features of the new law which was in reality a negation of law. The Rowlatt Act included in its various parts all the three things contained in this cry of the bazaars and a great many worse besides. People could be tried by courts which were empowered to sit *in camera*, which could accept in evidence, in certain circumstances, the recorded statements of persons dead or missing

\* “No argument, no lawyer, no appeal.”

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or otherwise incapable of giving evidence, without having been subjected to the test of cross-examination, and whose judgment was to be final and conclusive. The tribunals were to be composed of three persons who would be either High Court Judges or of the status of such, and they were to sit without juries. Proof of previous conviction could be admitted as evidence, a fact which lent piquancy to the provision that an accused giving evidence on oath could not be asked any questions tending to show that he had committed, or been convicted of, or charged with, any other offence, or had a bad character, unless proof that he had committed, or been convicted of (note the distinction !), such other offence was "admissible evidence" to show that he was guilty of the offence with which he was then charged. By such tribunals, with such procedure, without juries, without preliminary proceedings for committal—which are provided for in the ordinary criminal law—and without any sort of appeal from their decision, people could be sent to the gallows or to the Andamans—the hell to which transported convicts in India are com-

mitted for the remainder of their lives. That was Part I. of the Act.

Part II. gave power to the Executive to place persons suspected of (not convicted of, or charged with) complicity in “anarchical or revolutionary movements” under restraint and restriction of their liberty in various ways. They might be made to execute a bond, with or without sureties, not to commit certain offences scheduled in the Act, which included offences under the ordinary law not normally connected with anarchical or revolutionary movements, but liable to be so connected by the arbitrary fiat of the Executive. They might be ordered to notify their residence and any change of residence, in the manner of habitual offenders; to remain or reside in any specified area; to abstain from any act which in the opinion of the Local Government was calculated to disturb the public peace or was prejudicial to the public safety (this might involve the suspension of a man’s means of livelihood); or to report themselves periodically to the police. They might be ordered to do any or all of these things, and the order would remain in force for

a year, at the end of which time it could be renewed. The penalty for disobedience of any such order might extend to six months' imprisonment or a fine of five hundred rupees, or both.

Part III. of the Act was even more alarming. This empowered the Executive authority to arrest and search without warrant, and to confine persons so arrested without trial in any part of a prison or place not actually used for the confinement of convicted criminals, and to prolong such confinement from time to time, in periods of one year, by the renewal of orders. There was nothing to prevent the confinement of such persons within the precincts of ordinary criminal gaols, or *in solitary cells*—a practice which had led to hideous results in some of the cases of internment under the Defence of India Act.

Part IV. provided for the automatic continuance of the confinement or restriction of persons already confined or restricted under the Defence of India Act, when that beneficent measure expired six months after the long-deferred conclusion of the war. Part V. added a few more provisions to make the whole business of punish-

ment by Star Chamber tribunals and restriction of liberties thoroughly sound and water-tight, nothing that could possibly help to do so being forgotten in this odious piece of legislation, which is now part of the law of British India.

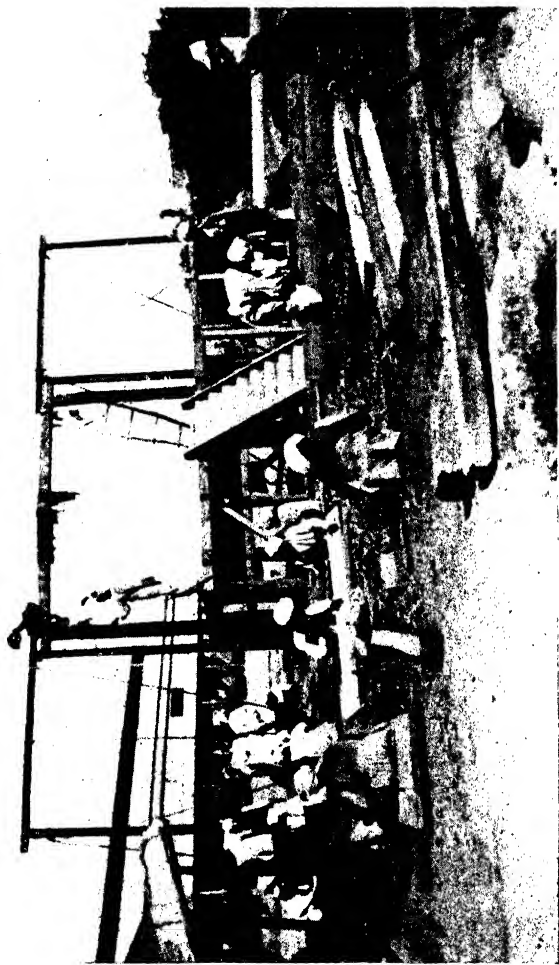
Those who have attempted to defend or excuse the measure have made much of the "investigating authorities," for which the Bill provides, to inquire into the cases of persons dealt with under Part II. and Part III., and that before Parts I., II., and III. can come into operation the Governor-General in Council must be satisfied that "in the whole or any part of British India anarchical or revolutionary movements are being promoted," and that (Part I.) "scheduled offences in connection with such movements are prevalent to such an extent that it is expedient in the interests of the public safety to provide for the speedy trial of such offences"; or (Part II.) such movements are "likely to lead to the commission of scheduled offences"; or (Part III.) "scheduled offences in connection with such movements are prevalent to such an extent as to endanger the public safety."

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As regards the Investigating Authorities, they could afford no greater guarantee of safety than the other provisions of Parts II. and III. They would be appointed by the Executive for the occasion, and the Act provides that the investigations should be held *in camera*. The person affected would not be entitled to be represented by pleader; "any fact the communication of which might endanger the public safety, or the safety of any individual," would be withheld from him, and the Investigating Authority would not be bound by the rules of the law of evidence. The position of a person attempting to defend himself against vague allegations supported by an untested police dossier before a secret inquiry of this character would be obviously hopeless. And the experience of similar inquiries under the Defence of India Act, to which reference has been made in a previous chapter, was sufficient, apart from the *prima facie* unfairness and injustice of such procedure for the protection of men whose liberty is being robbed, to justify the most grave apprehension of the consequences of placing such powers in the hands of Executive



authority, acting on the instigation of a notoriously and justly distrusted police department. As for the initial condition of a formal declaration of the prevalence of anarchical or revolutionary movements before putting the Act in operation, here the public was to be at the mercy of the state of mind of the Executive, which in India is very easily inflamed into the belief that legitimate expressions of political opinions, or popular agitations for the redress of legitimate grievances, indicate an anarchical or revolutionary spirit in the people ; and has been capable, to take one example only, of using a war emergency measure to set up a special tribunal for the trial of persons implicated in a religious riot which had no more the character of an offence against the State than the man in the moon. Nothing but the arbitrary notification of its opinion by the Government in the *Gazette of India* would be required for the immediate creation of anarchy or revolution, and since the "scheduled offences" included a number of ordinary crimes under the common law, such as rioting, unlawful assembly, assault, etc., their "prevalence to such



THE GALLOWS ERECTED AT KASUR ON MAY 3 AND TAKEN DOWN UNDER ORDERS OF THE  
COMMISSIONER OF LAHORE.

*To face page 64.*



an extent as to endanger the public safety"—when do they not?—would be not less difficult to assert as a matter of opinion—and the Act demands no more—than that political movements, which the Government chose to consider anarchical or revolutionary, were likely to lead to the commission of "scheduled offences." Even in England a railway strike was denounced by the Prime Minister as an anarchical movement. It would probably require less to provoke authority in India to make use of these powers lying so temptingly at hand.

But one need not analyse legislation of this sort closely, to justify the opposition to and fear of it by a people on whom it was being thrust by an autocratic Government. The broad fact is sufficient that, at the conclusion and not the commencement of a war, at a time when no emergency existed, when no danger to the State was indicated, it was proposed to take away, not from persons of hostile origin or hostile association, but from subjects of the British Crown, the right of trial, and to expose them to all the terrors of arrest without warrant, im-

prisonment without trial, drastic restrictions of liberty of other kinds, and Star Chamber tribunals. And deeper still, perhaps, in its effect upon the public temper, was the moral hurt to the self-respect and the awakened sentiments of freedom of a people who had just made ungrudging sacrifices to win victory for the freedom of the world ; while the brutal indifference to the popular sentiment and will with which every protest and every appeal was ignored, and the measure forced through the Legislature by the *bloc* of bureaucrats appointed to the Council for the express purpose of carrying Government legislation against the elected representatives, was in itself enough to rouse the fury of the most submissive population. It is impossible to conceive a more deliberate or culpable provocation of the people. Lord Chelmsford's Government was warned, by men whose loyalty and moderation is unquestioned, of the dire consequences likely to result from the step they were taking. They refused to listen. Appeals were made from the same quarter even for a postponement of the measure and time for further consideration.

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They went ruthlessly on, and they had no excuse for haste, even if they believed in the ultimate necessity of the measure. The official termination of the war, as they knew, was far distant, and there were six months to spare after that. They might even have done what the Government in England has just done. They might have provided for a temporary extension of the Indian D.O.R.A. But they seemed to be set upon showing the Indian people that the war-won freedom was not for them, that Government in India was still, and would remain, an autocracy, unrepresentative of and antagonistic to the sentiments of the people, able to ride roughshod over their protests and to rob them, if it so willed, of the liberties and rights solemnly guaranteed to them in the proclamations of three successive sovereigns.

## CHAPTER VII

### A PEACEFUL AGITATION

THE agitation against the Rowlatt Act was treated by the Government and its agents as though it were a factitious ferment excited by a few noisy politicians eager to seize any opportunity to discredit the Government. That, at least, was their attitude in the early stages. It is doubtful whether any official authority now, however, could be found who would attempt to deny that, rightly or wrongly, the whole population was stirred to the depths by resentment against the legislation and apprehensions of its consequences. They would tell you that this state of feeling, unparalleled in the history of Crown rule in India, was brought about by "wicked misrepresentations" of the Act and the Government's motives in passing it on the part of unscrupulous agitators; but, whatever the cause, the wide extent of the popular indignation, spreading through every class and every

part of the country, would not be denied. We need not, here, go deeply into the question whether the Act was misrepresented or not. The nature of its provisions and its extensive and startling potentialities have been explained, and they are there for everybody to judge. The question is, how far it would be possible wickedly to misrepresent an Act which deprives people, unfortunate enough to come under its operation, of their natural rights and liberties and every guarantee and safeguard that the law had hitherto provided. Meticulous accuracy on the platform, when speakers are dealing with complicated measures in the heat of a great popular agitation, is not characteristic of the politics of any country in the world. One deals with the general effects likely to follow from the passing of such legislation as the Rowlatt Act. The English reader may be asked to consider his own feelings if it were proposed to place such a measure on the Statute Book in this country as a permanent law\* in times of peace, and then to

\* The adjective is used advisedly. Experience in India teaches that a law of this kind once accepted for three years is permanent.



remember that the possible or probable results would be infinitely more grave in a country unprotected by representative Government, an untrammelled Press, and free institutions. It would be useless to tell him that the Act was intended only for anarchists, and could only be brought into operation when "scheduled offences" connected with anarchical or revolutionary movements were, in the opinion of the Executive Government, prevalent. He would want to know who was to be considered an anarchist and what is an anarchical movement, and tell the authors of such legislation that these are questions that could only be decided by fair and open trial. But it is fantastic to suppose that such a measure could ever be brought forward in the Parliament of this country.

What was also remarkable about the agitation against the Rowlatt Act, and equally undeniable, was its absolutely peaceful character. It must not be supposed that the people of the Punjab burst into riot and disorder, or, what has been called most extravagantly by the Government, "open rebellion" against the Act itself. We

shall see, presently, how disorder followed upon aggression and gratuitous provocation of demonstrators pursuing very peaceful methods. What has been called the "Passive Resistance" movement—and the term may be used here for convenience, though Mr. Gandhi, its leader, will not accept it—was based upon *Satyagraha*, a Sanscrit word which it would be impossible to translate in all its fullness into any English terms. But it may be explained. The cardinal doctrines are strict adherence to truth, absolute abstention from violence, and readiness to suffer. A *Satyagrahi*, indeed, must invite suffering, and must never do anything that can hurt others, even those who inflict suffering on him, and he must not speak, or even think, evilly of them. It is a sublimation of the Christian doctrine. By suffering and soul-force and conversion, through these and love, one must conquer; not by destroying one's enemies or oppressors.

*Satyagraha* is thus a permanent and unchanging philosophy which stands by itself. Its application to a crisis or disaster falling upon a whole people has to be considered a little apart,

perhaps, from its position as a great human philosophy, as Mahatma Gandhi himself lives and teaches it. Perhaps it would be as well to quote here the Mahatma's explanation, as given by himself recently before the Hunter Committee.

The law-breaker breaks the law surreptitiously and tries to avoid the penalty; not so the civil resister. He ever obeys the laws of the State to which he belongs, not out of fear of the sanctions, but because he considers them to be good for the welfare of society. But there come occasions, generally rare, when he considers certain laws to be so unjust as to render obedience to them a dishonour. He then openly and civilly breaks them, and quietly suffers the penalty for their breach. And in order to register his protest against the action of the law-givers, it is open to him to withdraw his co-operation from the State by disobeying such other laws whose breach does not involve moral turpitude.

It is not to be supposed that a doctrine, so intensely rigorous in its rules of conduct and the demands it makes on the individual in every department of life, could be imposed on or practised at short notice by a whole people. When the *Satyagraha Sabha* (Association of *Satyagrahis*) was formed, it was not expected that more than comparatively few people could or would become members. And the conditions of membership were very strict. None was

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admitted but those who satisfied the officers who were appointed by the committee, after, very often, exhaustive questioning and inquiry, that they fully understood the gravity and rigour of the rules that would be imposed upon them, that they could be humanly trusted to conduct themselves as true *Satyagrahis*, refraining rigidly from all violence, and prepared to suffer to the utmost and to invite suffering. From the wider public all that was looked for was moral sympathy and support. The small band of *Satyagrahis* was to exist as an example to the Government and people of spiritual resistance to wrong and oppression, and their numbers would grow as time went on. The spirit of *Satyagraha* would gradually spread, and tyranny would be conquered at length by "soul-force," to use Mr. Gandhi's expression, as it had been conquered before in South Africa, Behar, and Kaira, where Mr. Gandhi had led similar movements. But while few, and those only who were fully prepared and fitted, were to suffer, many were asked to exhibit sympathy for and moral adhesion to the movement.

The vow which the members of the *Satyagraha Sabha* were asked to take was as follows :

*“ Being conscientiously of opinion that the Bills known as the Indian Criminal Law (Amendment) Bill No. 1 of 1919, and No. 2 of 1919 are unjust, subversive of the principle of liberty and justice and destructive of the elementary rights of individuals on which the safety of the community as a whole and the State itself is based, we solemnly affirm that, in the event of these Bills becoming law, we shall refuse civilly to obey these laws and such other laws as a committee, to be hereafter appointed, may think fit, and we further affirm that in the struggle we will faithfully follow truth, and refrain from violence of life, person, or property.”*

The vow was originally drawn up in Gujerati. It was elaborated after much anxious discussion, and finally drafted in English by the present writer. Before the movement was definitely launched, notice of the intention was given in a private letter to the Viceroy by Mr. Gandhi, and a final appeal made to Lord Chelmsford to withdraw the Bills. There were many stages at which the Government, without hurt to itself, might have withdrawn from the contest that was daily lowering it further in the public estimation. But Lord Chelmsford would not wait, and lost no time in giving his formal assent to the Act as soon as it had passed through the

Council. And the hope that Mr. Montagu would interfere at the eleventh hour, and advise the King to disallow it, knowing as he did the turmoil it was creating, proved vain.

Something may be said regarding the laws which, on the decision of a committee, were to be civilly disobeyed. It was felt that passive resistance to the Rowlatt Act itself would be inadequate, since opportunity would only occur to those on whom the operation of the Act fell.

It was decided, therefore, to select from time to time other laws against liberty and individual rights, of which there are not a few in India, for civil disobedience. The initial laws that were selected for this purpose were those affecting the sale of proscribed literature and the Press Act. It would surprise many people, no doubt, to learn that there are a large number of works, of historical and classical reputation in common circulation all over the world, which are proscribed in India, lest the mind of the Indian youth should be unduly stirred by the doctrines of liberty and freedom. Works of this character were printed and taken into the streets for sale

in defiance of the law by *Satyagrahis*. They included a mild dissertation on Home Rule by Mr. Gandhi, which was proscribed some years ago and the *Apologia of Socrates*, also on the *Index Expurgatorius*. In addition, Mr. Gandhi published and circulated a small cyclostyle newspaper, without conforming with the regulations for publishing and printing under the Press Act, which imposes a system of licensing on all books, periodicals, and printing presses.

That was the *Satyagraha* movement so far as the activities of actual sworn *Satyagrahis* went.

But there was participation in the *Satyagraha* demonstrations of April 6 all over the country by practically the whole population of all the great cities and smaller towns and to a considerable extent in the villages and country districts. Mr. Gandhi decided that the movement should be inaugurated by demonstrations, in which the general public were invited to join. These demonstrations consisted of what is called a *hartal*, that is, general closing of shops and suspension of all work, fasting, public mourning and prayers, and other religious observances and

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public meetings. The response to the call was extraordinary and provided a widespread popular manifestation of feeling unparalleled in India. Far from being confined to agitators and so-called "extremists," those participating in these demonstrations included every class, race, and sect, politicians of "moderate" views and every other shade of opinion, and millions of persons, high and low, who had never taken part or interested themselves in politics at all. In the city of Bombay, to take an example of what occurred in all the great cities, about a hundred thousand people opened the day by going to the seashore and taking part in a purifying immersion in the sea. They then marched in processions to various temples and mosques, gathering numbers as they went, and held public prayers. No distinctions of creed were recognised. Hindus were admitted freely to the Mohammedan mosques and not only prayed but spoke to the congregations. Moslems were as freely admitted to the precincts of Hindu temples. This breaking down of religious barriers was unheard of before and almost incredible



to those who had not seen it. It set the seal of approval of the whole population on the Hindu-Moslem entente, which the necessity for unity in the face of oppression of the whole people had brought about. Subsequent events in the Punjab served to strengthen this feeling of unity between the two great sections of Indian people, so greatly that never again will the ruling powers be able to look to the principle of *Divide et Impera* for their guide. That much good, at least, has come out of the obstinacy of an autocratic Government that hardened its heart against the people, and repaid their ungrudging services and sacrifices in the cause of liberty by striking a cruel blow at their own freedom.

It remains only to be said that all these immense popular manifestations passed with an absence of disorder that was remarkable. Here and there there were, maybe, isolated instances of shopkeepers who refrained from joining in the general *hartal* (there were very few such, for the response to the call was spontaneous and practically universal) being subjected to something a little stronger than moral suasion ; here and

there there were, maybe, minor collisions with the police, which were quickly subdued by the influence of leaders. But taken as a whole, these demonstrations of millions of people were marked only by their peaceful and inoffensive character. It could hardly have been otherwise. The people were in mourning for their freedom ; they fasted and prayed, and the speeches to which they listened in the evening at the enormous open-air meeting were those of leaders who exhorted them to be peaceful, to refrain from violence, and to conquer tyranny and oppression by spiritual force. Tribute to the peaceful and orderly character of the *Satyagraha* demonstrations on April 6 has been paid in the official reports.

It was only in Delhi, on March 30, that a *Satyagraha* demonstration was disturbed by an outbreak of disorder. Owing to a misunderstanding, the Delhi demonstration took place a week earlier than those elsewhere. The mistake was discovered when it was considered by the local leaders too late to alter the arrangements already made. What happened at Delhi may be described

very briefly. The response to the call for *hartal* was almost unanimous in the city, but it was reported that a refreshment vendor at the railway station had refused to close his shop. Two or three demonstrators proceeded to the station, and endeavoured to persuade him to join the *hartal*. He refused, and it is alleged, though this is denied, that he was threatened. However that may be, the station-master took unnecessarily drastic measures. The demonstrators were treated with violence, and arrested; two of them were arrested by the station-master, who called to his assistance some British soldiers who were in the station. When the news of the arrest was carried to the city, a small crowd marched to the station and demanded the release of the two men. They were told that the men had been or would be released, but they demanded to see them, and as they were not forthcoming they continued their demonstration. According to the authorities stones were thrown, and thereupon the military were requisitioned, and the crowd was fired upon, some being killed and wounded. Some of the crowd took refuge in

the Queen's Garden, and firing again took place, with further casualties.

There need be no hesitation in saying that the firing was quite unnecessary. Such a demonstration would have been dealt with very differently in this country, and an Indian crowd on such an occasion is far less dangerous than an English crowd. The result was a state of public indignation, which led not to disorder, but to the prolongation of the *hartal* in Delhi for some days. The local authorities would have declared Martial Law, but were restrained, and subsequent events showed that those who called upon them to reconsider the matter adopted a wise course. There were no further disturbances, and the public were quieted, largely by the efforts of popular leaders. If similar wisdom had prevailed in the Punjab, there would have been no story to tell of the killing of Europeans, and the infliction of six weeks' agony on that unhappy province. The affair at Delhi, however, is important as showing the reckless and culpable haste which the authorities in India displayed in opening fire on crowds at the

least prospect of a disturbance, and because it played its part in bringing about the causes of disturbances which occurred elsewhere, as we shall now see.

PART III

*THE DISTURBANCES AND THEIR  
CAUSE*



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## CHAPTER VIII

### AMRITSAR

HAVING seen how eminently peaceful was the nature of the *Satyagraha* demonstrations and how, with the exception of the incident at Delhi, they passed without any ebullition of public disorder or any kind of public disturbance, it requires to be explained how they were so quickly followed in a few places in the Punjab by the outbreak of violent disturbances. The fact, however, that such was the case is an illustration of the danger of arming Executive authority with powers which, though intended to deal with definite and genuine danger to the State, are invariably liable to be used by those in whose hands they are placed for the purpose of vindicating what they conceive to be the offended prestige of their own authority. The India Office has recently published a series of Reports, prepared by the district officials in the Punjab and presented to the public in this country, in the obvious hope that



they will be accepted as a justification of the drastic and brutal methods that were adopted to suppress a "rebellion," the evidence of which is entirely lacking. Far from doing that, however, they show at every stage almost the real truth : that popular disturbances were aggressively and gratuitously provoked by authority, which either had fallen into a totally inexcusable state of panic, or had deliberately set itself to crush, by methods of repression, the awakened spirit of the people, which was manifesting itself in dramatic but wholly peaceful and legitimate demonstrations.

In dealing chronologically with the events which occurred, we may follow the sequence given in the official Reports mentioned above, which, if conveniently reticent about many things and misleading about others, are at least fairly correct in this respect ; and we find that no violence and no disturbance of the public peace occurred at all until the sudden arrest and deportation of leaders, who had continually impressed upon the people the necessity for abstention from violence and had been, in fact, responsible for the peaceful

character of the demonstrations. Even then there was no violence on the part of the crowd at Amritsar, where the first outbreak occurred, until they had been fired upon, with fatal casualties, in circumstances which show the action of those responsible for this to be unreasonable.

The official Report, in defending the action of the Government of the Punjab—action which was taken over the heads of the local officials immediately responsible for order in Amritsar—in arresting and deporting Dr. Satyapal and Dr. Kitchlew, two local leaders intensely loved by the people, actually says :

In the great majority of towns in the Punjab there had been a *hartal* on the 6th and no disorder had followed. The Lahore papers, while interested in maintaining the general excitement, had quoted the general course of the demonstration on the 6th as reflecting credit both on the character of the crowds and Government.

It is difficult to find in this any justification for the apprehension that the continuance of the

attitude on the part of authority thus indicated would have led to undesirable results. But the Report goes on to say that there was a state of tension, that such tension would lead to further agitation, and that further agitation was likely to have undesirable results was "the danger with which the local Government had to deal." So without, apparently, on this occasion consulting the "man on the spot"—whose untouchable authority is so often advanced to justify non-interference when he is doing something dangerous—the local Government ordered the arrest of the two leaders and their removal to a place of internment. That was the initial step, unjustifiable on the showing of the Government's own official Report, which has to be recorded as the prime cause of the terrible events which followed.

The next step followed when a wholly peaceful and not very large crowd of demonstrators, on hearing of the arrests, proceeded to the bungalow of the Deputy Commissioner of Amritsar to plead for the release of the prisoners. There is no reason to suppose that anything dreadful would have occurred had they been allowed to

proceed. The reports of people on the spot show that they were not, up to that time, a threatening crowd ; and the official Report tells us that “the crowd passed several Europeans on the way but did not molest them.” But they were stopped at a place called the Hall Gate Bridge, and their further passage was barred by a military picket, or, as the official Report rather curiously puts it, the crowd “was angrily opposing” the picket. Mounted troops were then requisitioned, but were, so the Report says—a very different version is given from the popular side—pressed back, which seems to have been a remarkable achievement on the part of an unarmed crowd. The mounted troops, it is also alleged, were heavily stoned, and “the first-class magistrate, who had written instructions to deal with any crowd attempting to pass this point as an unlawful assembly”—why and by right of what law?—“called on the troops to fire.” Several people were killed and wounded. The crowd then rushed back to the city, infuriated by the sight of their dead and wounded comrades on the ground and the action of the

authorities, who had dealt in this manner with a demonstration which set out with peaceful intentions.

Thereafter followed a series of brutal acts of violence on the part of the coarser elements in the mob, which had got entirely out of hand. No one would attempt to defend the violence that occurred, which was considerable and involved the loss of human life and great destruction of property. Five Europeans were murdered and several buildings, including the telephone exchange, two banks, the Town Hall, and the Indian Christian Church, were attacked and fired and, in some instances, destroyed. Three of those killed were officials of the National Bank and the Chartered Bank. A lady missionary doctor, Miss Sherwood, was set upon by the mob, struck with sticks and fists, and left unconscious in the street. She was subsequently rescued by some Indians, who took her into a house and cared for her until she was restored to her friends. Later the crowd again attempted to pass the Hall Gate Bridge, and were fired upon, with twenty to thirty casualties. The

telegraph wires were cut and two railway stations outside the city were attacked. During the afternoon the Commissioner of the Division, who had arrived, handed over charge to General Dyer, the Officer Commanding the Troops, with instructions to "take whatever steps he considered necessary to re-establish civil control." Reinforcements arrived and by night order was restored.

The sequence of events is important because it shows, as admitted in the official Report, that all the acts of mob violence followed on the occurrence at the Hall Gate Bridge. The whole case of the Government for a "rebellion" rests on the assertion—for there has been no proof—that all these acts of violence emanated from a premeditated intention to rebel, and were the designed outcome of a conspiracy to subvert the Government. And it was at first held that the acts of violence occurred simultaneously and independently of the Hall Gate Bridge incident. The admission in the Report that they all followed the unnecessary and unreasonable firing on the crowd at the Hall Gate Bridge, and the

killing and wounding of peaceful demonstrators, coincides with the popular assertion that the violence was provoked by the Hall Gate Bridge incident, and was a spontaneous outburst on the part of a mob infuriated by an unnecessary attack on the people. The popular version alleges, too, that the manager of the Alliance Bank provoked the attack on himself by firing his revolver into the crowd. But there is no need to enter into the discussion of minor details. The fact is established that, however indefensible the conduct of the mob, the disturbances were initially provoked by the stupidity and wanton violence of the authorities, and that on those who were responsible for the firing at the Hall Gate Bridge rests the responsibility for the flame of disorder which destroyed the peace which had been, up till then, the marked characteristic of the popular demonstrations.

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## CHAPTER IX

### THE AMRITSAR MASSACRE

THERE were no further incidents of mob violence in Amritsar. For two days after the outbreak on April 10, the city was at peace. The people were in a sullen mood and among the better elements there was a shocked feeling at what had occurred. In the city itself, while much is in dispute between the people and the authorities, it is undoubted that no violence occurred, though it is alleged in the official report that a "threatened disturbance" was averted by a display of military force. In the districts outside the city the Report alleges that mission buildings were threatened, some telegraph wires cut, and a band of would-be looters was dispersed by the police. Much of all this is open to controversy. But as far as Amritsar city itself is concerned, the Report shows that the people, or any section of them, were not in a violent mood. The authorities forbade any demonstra-



tion in connection with the burial on the 11th of the victims of the firing by the military on the previous day. And, the Report says, these orders were carried out. All that is alleged by the authorities, on the two days following the deplorable occurrences of the 10th, is that the "attitude of the people," when a military force was sent round the city, was one of hostility, "many spitting on the ground and raising insulting cries." It is not necessary to attach importance to that. It is an obsession with a certain type of Britisher in India that when an Indian spits he is doing it to insult somebody's august presence, and the Report shows, in more than one place, that mere ebullitions of patriotism seem to be regarded as "insulting cries." The Report, in continuing to prepare the ground for the terrible incident of April 13, proceeds to say that "villagers were now pouring into the city," and "there is little doubt that the peasants of the district, who are not of a type which will keep the law unless its guardians show themselves able to enforce it, were not so far persuaded that order had been re-established

in Amritsar.” “And this fact,” adds the Report, “gives particular importance to the incident which occurred on the afternoon of the 13th.” General Dyer was going to persuade them !

The Report is, to say the least, disingenuous. The significance of the “fact” alluded to, “that the villagers were pouring into the city”—for there is no fact in speculation as to what was in their minds—is that a religious fair was taking place in the city of Amritsar, to which the peasants of the surrounding districts were in the habit of flocking every year. The most important fact that remains, in spite of all attempts to give colour to the suggestion that there was a state of things which could possibly justify or extenuate General Dyer’s action, is that two days passed after the events of the 10th and the third day had arrived, and there had been no outbreak of violence. The people had obeyed the injunction not to demonstrate at the burials. The city was at peace and was, in fact, as the Report admits, under military control.

It was at this juncture that General Dyer proceeded with an armed force to the Jallewal-

lian Bagh and opened fire without warning on a large mass meeting of a wholly peaceful character, shooting down in cold blood without a word of warning two thousand of them, and leaving the dead and wounded lying on the ground.

Martial Law had not been declared. But General Dyer held, as he said in his evidence before the Hunter Committee, that it existed *ipso facto*. There were times, he said, when one had to act without rules and regulations. He had previously made a proclamation that no meetings were to be held, and had marched round the city in the forenoon of the 13th to give a warning that no meetings were to be held. In the Report it says that "at every important point the column stopped while this was announced by beat of drum." In his evidence before the Hunter Committee, General Dyer had to admit, with a map of the city in front of him, that this statement was not true; that the proclamation was not made at every important point; important localities were omitted and large numbers of people, even if his proclama-

tion could be taken as a preliminary justification of what he did, could not have known of it. Nor did he, on his own admission, take any steps to communicate with the organisers of the meeting and warn them, though he knew for several hours beforehand that it was going to take place.

He just let things go on. And when the thousands of people who assembled, including many who came as pilgrims to the fair, were standing or sitting on the ground listening to an address, he marched up his force of infantry, opened fire, and himself directed the fire so that the soldiers should shoot where the crowd was the thickest. *He had no evidence at all to justify his assumption that this was a seditious assembly.* The people themselves say it was a meeting called to consider what should be done to ensure the preservation of peace, and to mourn for the victims of the Hall Gate Bridge incident.

Here is the summarised description of this massacre, as given in the "Chronological Statement," published with the "Reports on the Punjab Disturbances":

In the forenoon the Officer Commanding Troops, accompanied by the Deputy Commissioner, marched through city at head of some troops, announcing by beat of drum, at every important street, that no meetings would be allowed. Notwithstanding this warning, just after the troops had returned (about 4 p.m.), a meeting began assembling at the Jallawallian Bagh, and this large crowd *only dispersed on being fired on by troops*, the casualties being considerable.

It would be hard to conceive a more misleading and dishonest summary of what actually occurred.

## CHAPTER X

### LAHORE—GUJRANWALA—KASUR

THE fullness of the iniquity of the Amritsar massacre and the spirit that inspired it will be dealt with in its proper place in another chapter. We are now following the sequence of the disturbances. General Dyer said he fired, and fired well, because he did not want anyone to have to shoot again in the Punjab. What followed on the Amritsar *battue*—and it is not unreasonable to argue that it was a result—was wholesale shooting and bombing of unarmed people in other parts of the Punjab, and six weeks' agony under Martial Law.

In the first paragraph of the first of the official Reports we are told that "it is clear that the outbreaks at Lahore, Gujranwala, and Kasur were directly due to the previous occurrence of such outbreaks at Amritsar."

So far as Lahore is concerned, this statement is grossly misleading. There was never anything

that could be described as an "outbreak" at Lahore. It is alleged that stones were thrown, that people spat on the ground in the presence of military officials, and laughed at them. Martial Law Commissions have recklessly attributed every kind of violent motives to crowds that did nothing violent, and dignified street demonstrations, in which nothing violent occurred but the shootings by the police and military, using such terms as "insurrection" and "rebellion." But the fact remains that nothing occurred in Lahore in the nature of mob violence.

At Gujranwala and Kasur there was serious violence. At the latter place on April 12 crowds did considerable damage to the railway station, burned a small oil shed, damaged signal and telegraph wires, attacked a train in which were some Europeans and beat two soldiers to death; a branch post-office was looted, the main post-office burned, the Munsiff's Court set on fire, and other damage done. That is the official version summarised. The popular version alleges previous provocation of the crowd.

At Gujranwala on April 14 crowds surrounded

and stoned a train, burnt a small railway bridge and fired another railway bridge where a calf had been killed—by the police, as alleged—and hung up on the bridge as an insult to Hindus, to whom the cow is sacred. The telegraph-office, post-office and railway station were subsequently set on fire, as well as the *Dák Bungalow*, *Kutcheri* (Collector's office), a church, a school, and a railway shed.

These were the chief incidents. There were minor outbreaks elsewhere in smaller places, such as stoning of trains, cutting of wires, and setting fire to railway stations. We have not attempted to deal with any but the official version of these occurrences. But it should be mentioned that the official accounts are in many respects in dispute, and that only official evidence was heard by the Hunter Committee. An independent committee was appointed by the Indian National Congress and collected a mass of evidence, but it was not heard by the Hunter Committee. Its report, however, it is understood, will be published in due course.

There is no desire, in these pages, in any way



to minimise the gravity of the excesses committed by mobs in the Punjab. If the worst in this respect is admitted, there is nothing to excuse or justify the horrors perpetrated under Martial Law, in punishment of the innocent and guilty alike, which have yet to be detailed. And the significant fact remains and is unassailable, that in the places where disturbances occurred and these regrettable things took place, peaceful demonstrations were not turned into violent outbreaks, until the spirit of a section of the people was maddened into violence by the initial violence of the authorities. The disturbances at Amritsar followed on the arrest of the two popular leaders, and the inexcusable firing on the crowd on April 10, when nothing had occurred to justify this resort to the extreme resources of the law. The disturbances elsewhere and the so-called outbreak at Lahore followed on the arrival of the news of the arrest of Mr. Gandhi, and the arrests at Amritsar, and of the firing on the people at Lahore and Amritsar.

The arrest of Mr. Gandhi was even more reprehensible and gratuitous in its provocation

of the popular temper than those of the Amritsar leaders. Mr. Gandhi was the chief leader of a great movement, in which abstention from violence was preached without cessation. He was actually proceeding to Delhi, and thence to Amritsar, to persuade the people there to end the *hartal*, which was being prolonged without his authority, and to urge upon them by personal exhortation the necessity for strict adhesion to peaceful methods, even in the face of official provocation and violence, when two Governments, those of Delhi and the Punjab, were guilty of the extraordinary folly of issuing orders prohibiting his entry into the areas over which they had jurisdiction. When in spite of this he proceeded on his way, he was arrested and sent back under escort to Bombay. The news of his arrest created the wildest excitement throughout the country, and was responsible for much that followed. It is impossible to doubt that had he been allowed to proceed, and had the Government of the Punjab not been guilty, also, of the folly of the arrest and deportation of Dr. Satyapal and Dr. Kitchlew, and the aggressive attitude adopted

towards the demonstrators in Amritsar, there would have been no tale of horror to tell.

We are not immediately concerned with what actually occurred outside the Punjab and Delhi, but it is significant to contrast what occurred elsewhere with the events in Amritsar, Lahore, and other places in the Punjab. In Bombay the news of Gandhi's arrest brought large crowds into the streets, undoubtedly in an ugly temper. The police, however, behaved with restraint, and popular leaders were allowed to go among the people and exercise their pacifying influence. Finally, when Gandhi himself arrived, he went among them and addressed them, and the danger of any trouble ended. At Ahmedabad, where Gandhi lives, the excitement was intense and there were serious acts of mob violence. But Gandhi was allowed by the Government of Bombay to proceed to Ahmedabad, and his presence exercised an immediately pacifying effect.

Such was the difference in result between a reckless, overbearing, and brutal treatment of people greatly tried and provoked, and the adoption of a wise and statesmanlike policy,

which recognised that the pacification of the people was of greater importance than the bolstering up of official prestige at the cost of bloodshed.



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PART IV

*THE SIX WEEKS' TERROR*

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## CHAPTER XI

### WAS MARTIAL LAW JUSTIFIED?

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THE whole case for the infliction of Martial Law in the Punjab in April last rests on very doubtful ground. The action of the Punjab Government, in this respect, is upheld to a certain extent by the judgments of the Martial Law Commissions, which they set up to try the various cases of conspiracy that were instituted. These judgments have proved a very convenient refuge for the authorities, as the Reports on the disturbances fully reveal. We have seen the weakness of the argument in justification of the arrests of the Amritsar leaders, so far as any events had till then occurred to excuse such drastic action; but the Report triumphantly records, before it proceeds on its own explanation, that "the justification for their action" (the arrests) "is the subsequent judgment of the Martial Law Commission, that they were among the prime movers in a 'conspiracy having as its



object the dissemination of sedition.'” Now we may as well dispose of these Martial Law Commission judgments at once, so far as they affect the political leaders, who have not been found guilty of any overt acts, were not “taken in arms,” and were not guilty of any violence. They are a judicial curiosity, and would provoke laughter were it not for the tragedy of their sentences of hanging, transportation for life, and confiscation of property, passed wholesale on men who had been guilty of no more than leading the people in a popular movement against the Rowlatt Act. What these people did was “conspire to hold meetings” against the Rowlatt Act—that is how the *précis* of charges sets out—and they were convicted, as quoted above, of conspiring to disseminate sedition. In order to bring in the speeches they had made prior to the outbreak of disturbances, the application of Martial Law was made retrospective, a remarkable proceeding, which, unfortunately, has been held by the Judicial Committee of the Privy Council to be within the Ordinance-making power of the Government of India. But what

had they done? They had made speeches, very strong speeches, no doubt—but no stronger, as was pointed out in one of the trials, than members of the Legislative Council had made in the presence of the Viceroy without protest—against an iniquitous measure which had terrified the whole population. The law of sedition in India is as comprehensive and wide as such a law can be made. It embraces practically anything that can bring the Government into discredit—"hatred and contempt" are the words—and if applied as these Martial Law Commissions applied it, anything in the nature of a protest proportionate to the occasion, such as could be freely made in a civilised country, would be impossible. If a Government pursues a course which brings it into discredit with the people, public speakers, on behalf of the people, cannot perform an obvious public duty without being guilty of discrediting it, or even perhaps bringing it into hatred and contempt. But there is a wide distinction between that and a definite and deliberate attempt to subvert the Government by law established, or to incite others to do so.

The Martial Law tribunals in the Punjab, in the evidence and facts on which they proceeded, and their findings were a travesty of justice. The plea that their findings have in any way justified the resort of the authorities to extra-legal methods, much less to the infliction of appalling atrocities, cannot be accepted.

But if there is a case for the application of Martial Law at the height of the disturbances, which is open to grave question, there is none for its continuance over a period of about six weeks, accompanied by the most fearful methods of frightfulness which a horrible ingenuity of mind could devise. The official witnesses before the Hunter Committee have been unable to produce any evidence of rebellion or conspiracy against the State at all. The question has been put to witness after witness; and in no case has it been met with anything but a frank admission that there is no evidence in existence, or, in the case of certain military witnesses who see rebellion or conspiracy in any combination of circumstances which assails their prestige or anything inimical to the perfection of authority, vague assertions that

there was rebellion and there must have been conspiracy.

Wild and reckless assertions of Bolshevik intrigue and instigation and seditious conspiracy being behind the disturbances in the Punjab have been made both in India and in this country. There is no evidence to support them. None has ever been produced.

Mr. Barron, Chief Commissioner of Delhi, in his evidence before the Hunter Committee, said there was no evidence of any organised conspiracy. He did not suggest that anybody from Delhi stirred up the disturbances in the Punjab, or *vice versa*. Mr. Orde, the Superintendent of Police, said he found no trace of Bolshevik influence behind the disturbances. Mr. Cocks, a high official in the Criminal Investigation Department in the Punjab, admitted that he had no evidence of a rebellion or conspiracy. Similar evidence was given by others.

*The Times*, in a leading article recently, commenting on the letter addressed to it by Sir Michael O'Dwyer in defence of his action in approving of General Dyer's massacre, said there

had not been for many years in India, including last year, a riotous assembly that could not have been dispersed by a dozen armed policemen, armed with smooth-bore rifles. And those who know the facts, and have no motive for misrepresentation, know this to be true. Every one of the riotous assemblies in the Punjab could have been so dispersed. There have been equally dangerous disturbances in England, without a shot being fired. One of the features of the evidence regarding the Amritsar disturbances, however, which is highly significant was that the police were singularly apathetic. And now the report comes from India that searches carried out in connection with the arrest of a number of policemen at Amritsar, implicated in thefts, have led to the discovery of property belonging to the National Bank, which was looted during the disturbances in April last !

Whatever may be the findings of the Hunter Committee, which has heard only official evidence, and is appointed by the Government of India whose responsibility is in question, the whole case for the infliction of Martial Law is open to

the gravest doubt. Yet for six weeks it was perpetuated and the horrors now to be related inflicted on the people of whose loyalty and good behaviour Sir Michael O'Dwyer, who was responsible as Lieutenant-Governor for its horrors, had made a constant boast.

## CHAPTER XII

### DYERARCHY IN AMRITSAR

THE incident that is chiefly impressed on the minds of the public in this country, in a whole series of frightful events, is, of course, the Amritsar massacre, to which reference has already been made. Much of the other incidents of a long narrative is, as yet, little known. But General Dyer's own relation of the performance of what he described as his "horrible duty" impresses the imagination and is ineffaceable. He did not pretend that what he did was necessary, even for the dispersal of a meeting, the improper character of which was a pure assumption on his part. He had no authority for what he did. He had no authority to make his proclamation prohibiting meetings. Martial Law had not been proclaimed. Authority to re-establish civil control had been confided to him by a civil official who had no legal authority to delegate this duty to anyone, or to do anything

but call for military assistance in the maintenance of order, according to clearly defined statutory rules. But he conceived in the wisdom of his own Prussian mind that the time had come to act without rules or regulations. "He understood roughly that civil law was at an end and military law would have to take its place."

At 12.40 he heard that the meeting at the Jallewallian Bagh was to be held that evening. But he took no steps to prevent it. He waited for it to assemble and then he marched down on it with his force of rifles and machine-guns. He would have used his machine-guns, he declared, if he could have got them into the enclosure. But they were attached to armoured cars, which could not be got through the entrances. The thousands of helpless, unarmed people, some of them boys and children, were at his mercy, practically penned up in an enclosure from which they could only escape over walls, or through the entrances commanded by his soldiers. And deliberately, in cold blood, calmly directing the fire where the crowd was thickest, he fired upon



them for ten minutes until his ammunition was exhausted.

He “felt his orders had not been obeyed. Martial Law”—which did not then exist—“had been flouted, and he considered it his duty to disperse the crowd by rapid fire.”

He was asked why he did not stop firing when the crowd began to disperse. His reply was that he thought it was his duty to go on firing until the crowd dispersed, and that a little firing would not be sufficient.

He was asked if his idea was to strike terror in the people. He said, if he found they had disobeyed his order he meant to punish them and teach them a lesson. His idea was that, from a military point of view, it would make a wide impression throughout the Punjab !

“It was a merciful act. It was a horrible act, and it required a lot of doing. It was his opinion it did a lot of good.”

“He did not think it was a disservice to the British Raj. What he did was right, and they ought to be thankful for it.”

After the firing he did not take any steps

to attend to the wounded. "Certainly not. It was not his job. Hospitals were open and they could have gone to them."

Mr. Justice Rankin, a member of the Hunter Committee, said with somewhat uncalled-for politeness: "Excuse me putting it in this way, General, but was it not a form of frightfulness?" And the General replied:

"No, it was not. It was a horrible duty I had to perform. I think it was a merciful thing. I thought that I should shoot well and shoot strong, so that I, or anybody else, should not have to shoot again."

And, finally:

"I think it is quite possible I could have dispersed the crowd without firing, but they would have come back again and laughed, *and I should have made what I consider to be a fool of myself.*"

General Dyer admitted that the number of killed might have been four or five hundred, and he would estimate the number of wounded at three times the number killed. Unofficial agencies, which have very carefully investigated

the matter, claim to have established that the casualties far exceeded the numbers admitted by General Dyer. But if we accept his figures, no less than 2,000 people, including a number of mere boys, and even children in arms, who were defenceless, unarmed, committing no sort of wrong in the view of anyone but himself, were shot down by this British General without warning, and left by him where they fell. And his action was immediately approved by the Lieutenant - Governor, Sir Michael O'Dwyer, in a telegram sent to him by his military superior after he had obtained Sir Michael's assent, which ran : " Your action correct : Lieutenant-Governor approves."

The public cannot be asked to suspend judgment on such an atrocity, in the face of the brutal revelation of the perpetrator himself. It is an affront to humanity to ask us, as Mr. Montagu has recently done, to consider ourselves in the position of a British General, who has to deal with a critical situation where prompt and swift action is required ; and to indulge, as other people have done, in similar cant about the



TIED TO LADDER.

Another picture of an Indian tied to a ladder at Kasim railway station being flogged

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character of men who are entitled to a large measure of confidence and support being at stake. The British Press, with one or two ignoble exceptions, and of all shades of opinion, has condemned, as decent-minded people could only do, without hesitation or compromise the perpetration of a deed which has profoundly shocked, not merely the public of Great Britain, but of the whole world. It would be better to consider ourselves in the position of those on whom this atrocity was wantonly inflicted, and to endeavour to realise the impression it must have created in the mind of the whole Indian people, on whom we claim to impose a just and humane rule.

If Dyerarchy in Amritsar had begun and ended with this incident, the disgrace to Britain would have been sufficiently deep. But it was brought to still further depths by the iniquities which followed during the six weeks of administration of Martial Law under Dyer, with the continued approval, knowledge, and co-operation of Sir Michael O'Dwyer, and also the Government of India, who had given the Lieutenant-

Governor a blank cheque and provided him, by a series of proclamations and ordinances, with unlimited power to override the ordinary law and destroy liberty. While the various administrators of Martial Law in different districts proceeded on a generally similar plan, the similarity of the chief orders indicating one directing mind or council, each distinguished himself for individual originality and ingenuity in devising special atrocities and methods of frightfulness, sometimes on the plan of making the punishment fit the crime, sometimes with the object of striking at some particular class or section of the community (such as lawyers or students), and sometimes, apparently, inspired only by the desire to do something frightful.

General Dyer was as active in both respects as his brother officers in Lahore, Kasur, and Gujranwala. The Jalliewallian Bagh *battue*, of course, is an achievement which has earned for him a special niche of his own in the gallery of frightfulness, and will go down in history as an indelible blot on British rule in India. This took place, as has been seen, before Martial Law

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was proclaimed (the date of proclamation was April 15). But as the reader will have gathered from the summary of his evidence given on a previous page, General Dyer assumed all the functions of a properly constituted administrator of Martial Law, with full powers to do anything he liked, the moment he received from an unauthorised source the request to take over control and re-establish the civil power—which was ineffective, it may be mentioned, through the fault of its own incompetence and ineptitude and for no other reason. And on the very day that he left two thousand dead and dying on the ground at Jallewallian Bagh—to go to the hospitals if they liked—he had issued a Curfew Order, that all persons must be indoors after 8 p.m., and would go abroad in the streets at the risk of being shot at sight. Is it surprising that the wounded lay in their agony, that the dead lay putrefying in the hot atmosphere of an Amritsar April night, that the vultures and jackals came to tear the flesh from the bodies of the innocent victims of this dreadful holocaust, while the anxious relatives of innocent victims



remained terrified in their houses. There were families who knew that loved ones had gone to the Jallewallian Bagh and had not returned. They had heard of the massacre. But if they went forth to seek their missing kin, the military pickets were waiting with loaded rifles. Is it conceivable that the man who had done this thing did not know also and fully realise the effect of the Curfew Order? Is it to be supposed that the man who could come before a public inquiry months afterwards and say it was "not his job" to tend the wounded, that "the hospitals were open and they could go to them," was not anything but deliberate in this additional infliction of frightfulness?

The Curfew Order in Amritsar was maintained for weeks, and was administered with the utmost rigour. There are stories told in connection with this which, in the absence of any but official evidence, have not come before the Hunter Committee. They belong to a whole quantity of allegations, which are so grave as to make it essential, apart from all other considerations, that a fuller, more authoritative, and impartial

investigation should be held. It is not proposed to deal with these matters here, however. They will come, in due course, before the public when the Report of the Congress Committee of Investigation is available.

Among General Dyer's inspirations was the cutting off of the water supply and the electric supply of the city. By these and other general orders, he made the might of his name known, and inflicted untold moral and material suffering on the population of a loyal and historic city. But the spirit in which this man set out to impress the people with the might of the British Raj, as represented by his august authority, was most luridly illustrated in the public floggings, and what is known as the "crawling order." By his orders, for several days, everyone passing through the street in which Miss Sherwood, the lady doctor, was assaulted was ordered to crawl with belly to the ground. There were people living in this street, respectable and respected citizens of the British Empire. It was the street not only in which Miss Sherwood was assaulted, but also in which kind-hearted Indians came

from their house, took her in, and tended her with loving hands. But *all* who lived in the street had to obey Dyer's disgusting order if they wished to leave their houses or return to them, though he was good enough to say in his evidence that they could have gone over the roofs! How many underwent the humiliation we do not know. But it was made a jest by the official members in the Imperial Legislative Council, great merriment being excited by Quartermaster-General Hudson's account of a poor wretch who, for martyrdom or from imbecility, crawled up and down the street till he was stopped! Such are the men who represent the humanity and decency of a noble-hearted people in the Council of the Viceroy. Such is the representative of the King-Emperor, who sat in the Viceroy's throne in the Council Chamber while this was going on!

Floggings were a common feature of the administration of Martial Law in Amritsar as in other areas. The sentences were inflicted by summary courts for trivial offences on trumped-up evidence. The public flogging of some men

who were alleged to have been concerned in the assault on Miss Sherwood, was an exceptional incident, akin to the crawling order. These men had not been tried or convicted for the crime. They were awaiting trial. But to create an example, they were brought to the scene of the assault, and *publicly flogged in the street*. They were tried afterwards! What words can be strong enough to describe this iniquity adequately? General Dyer tried to excuse and defend this before the Committee. The men were not flogged for their alleged share in the assault on Miss Sherwood, he said, but because they had committed a breach of discipline, while under confinement in the fort.

It is impossible to regard this as anything but a contemptible subterfuge. If the object was not to impress the populace with the fate in store for those who attacked or were suspected of having attacked an Englishwoman, why were these men taken to the street where the assault on Miss Sherwood was committed, to receive this punishment in anticipation of their trial? It was clearly part of a general plan of frightful-

ness which would have done credit to a Prussian officer in Belgium.

In addition to the Martial Law orders already mentioned, others of a drastic nature among a large number may be mentioned. The issue of third-class tickets on the railways was prohibited, which involved a general suspension of travelling by the Indian public. More than two persons were prohibited from marching abreast on sidewalks or pavements. Bicycles, "other than those owned by Europeans," were commandeered. People who had closed their shops were forced to open them, under severe penalties. Prices of commodities were fixed by military officers. Carts were commandeered. A public platform for whippings was erected near the fort, and a number of triangles for floggings were erected in various parts of the city.

The comments of the official Report on some of these orders and incidents are amusing in their apparent ingenuousness. "The prohibition of the issue of third-class tickets," we are told, "naturally caused inconvenience to the general public," but "was held to be essential to prevent

communication between agitators." "It is, however," adds the Report, "a restriction of somewhat too extensive a nature for general use!"

The regulations for fixing prices, the Report admits, "cannot, *on the whole*, be regarded as *entirely* successful." Though it was harvest-time, it had the effect of sending prices up and preventing grain from coming in. "It was necessary to *raise* prices week by week, and also to publish notices that carts coming into the city would not be commandeered," and "it was finally found necessary to discontinue fixed prices altogether." One is able to gather from these naive accounts of the effects and incidence of Martial Law generally, and the results of the efforts of military officers to regulate the economic life of the city on lines of their own, that the boasts that were made at the time that they were protecting the poor against profiteers, and the people against themselves, were ill-founded. On the contrary, people in Amritsar tell of the agony and terror that they underwent, and the economic miseries that were

added to their other sufferings while the period of Dyerarchy lasted.

\* Finally, here are the figures of the cases dealt with by the Courts at Amritsar. On major charges 298 people were put before the Martial Law Commissions, who tried cases unfettered by the ordinary recognised rules of procedure or laws of evidence. Of these 218 were convicted: 51 were sentenced to death, 46 to transportation for life, 2 to imprisonment for ten years, 79 for seven years, 10 for five years, 13 for three years, and 11 for lesser periods. This does not take account of the cases dealt with summarily by military officers, numbering 60 persons, of whom 50 were convicted, and 105 persons convicted under Martial Law by civil magistrates. These figures are sufficient to indicate the severity with which the law that is no law was administered by the Commissions and Summary Courts. They do not tell, however, of the travesty of justice which the proceedings of these tribunals constituted, the absurdity of the charges, and the inadequacy of the evidence.

## CHAPTER XIII

### "THE PHYSICIAN" FROM BECHUANALAND

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ACCORDING to the Official Report contained in the White Paper recently issued to Parliament, the administration of Martial Law was "more intensive" in Lahore than elsewhere. The reason for this is not to be found in the occurrence of greater violence there on the part of the mob than elsewhere—because in Lahore there was, as we have said, no violence at all worthy of the name, even on the official showing, although crowds were fired on and people were killed and wounded—but because at Lahore the gentleman to whom the task of administering Martial Law was entrusted was a trained expert (Lieutenant-Colonel Frank Johnson, D.S.O., had lived many years in South Africa, and administered Martial Law among the unfortunate natives of Bechuanaland, no doubt with an "intensity" which has left his name an impressive memory among the population of that Protectorate), and



also because, probably, Lahore being the capital city of the Punjab and the headquarters of the Lieutenant-Governor, that august person was on the spot throughout, helping, advising, directing, and conferring with his military administrators. But Colonel Johnson, on this latter account, should not be deprived of any of the credit which rightly belongs to him. He showed not only an intensity but a malignant efficiency in devising means for the terrorisation of the population, which, if not always as full-blooded, was as ingenious and refined in the cruelty of method as any displayed by his competitors. The "physician" from Bechuanaland was the appellation given him by *The Independent*, in ironical allusion to the panegyrics of *The Pioneer*, which hailed him as the "physician" with expert experience of Martial Law in Bechuanaland. Colonel Johnson, when giving his evidence and proudly relating—for not one of these men ever showed anything but arrogant pride in his achievements—his deeds before the Committee, declared "he had been longing for an opportunity to show the people of the Punjab

the might of Martial Law," and he used his opportunity to the full.

He described himself, how he entered the city at the head of a column of troops, with aeroplanes preceding it at low altitudes with orders to drop bombs on the unarmed civilian population the moment the signal was given by the firing of the troops. Presumably, no targets in the shape of meetings or crowds presented themselves, for no bombs were dropped. But the intensity of Martial Law began without delay. The Curfew Order, of course, was immediately put in force, and people out after 8 p.m. were liable to be shot, flogged, fined, or imprisoned, or otherwise punished. Those whose shops were closed were ordered to open them; the alternatives were either being shot or having the shops publicly opened and *their contents distributed free to the public*. "Lawyers' agents and touts" were ordered to be registered, and forbidden to leave the city without permit. Occupiers of premises on whose walls Martial Law notices were posted were ordered to protect them, and were liable to punishment if in any way they were defaced or

torn, although they could not stay out at night to watch them. More than two persons abreast were not allowed on the sidewalks. Students of colleges were ordered to report themselves four times a day to the military authorities at varying places of assembly. *Langars*, or public food kitchens, which had been opened by philanthropic persons for the feeding of those who could not purchase food, were ordered to be closed; motor-cars, motor-bicycles, and ordinary bicycles belonging to Indians were ordered to be delivered up to the military authorities, and were handed over to officials for their use. Electric punkahs and other electric fittings belonging to Indians were commandeered and stripped from the houses for the use of British soldiers. Public conveyances were ordered to report themselves daily at places a considerable distance from the city. There were a number of other orders devised for the purpose of making the people realise the intensity and might of Martial Law.

The manner in which they were applied, and the deliberate cruelty of the whole administration can be illustrated by a few facts, mostly

admitted in evidence before the Hunter Committee, and otherwise verified. Punishments by flogging were numerous, and took place for several days in public. They were mostly for petty breaches of Martial Law regulations. There was one case of an elderly man, who was caught tending his cow outside his shop door in a side lane after 8 p.m. He was seized and flogged for this breach of the Curfew Order !

Drivers of *tongas* (hackney carriages) had participated in the *hartal*. To teach them a lesson, 300 *tongas* were commandeered ; of those who were permitted to ply for hire, orders to report themselves at certain times at places distant from the busy parts of the city, and their detention at the pleasure of the military officials concerned, effectually destroyed their chances of a day's earnings. Thus were these humble men and their families, who live from hand to mouth, punished for their participation in a peaceful and legitimate demonstration against an unpopular Government measure.

Colonel Johnson admitted that many of his orders were directed against the educated and

professional classes—lawyers, etc. He considered they were the classes from which the political agitators were drawn. He had many pleasant little ways of making the “might” felt. Professional men and other residents on whose premises Martial Law orders were posted had to set servants to watch them lest they should be torn or defaced—perhaps by a police agent ; one such case was detected. When they applied for permits for such guardians of the placards to be out after 8 p.m., they were told they could have passes for this purpose for themselves, but not for their servants !

Students, boys of 16 to 20, were the objects of special attention. The students of several colleges in Lahore, which is a large University town, were ordered to report themselves four times daily at a place, in one case, four miles distant from their college. In the burning sun of Lahore in April, the hottest time of the year, when the temperature is often over 100° in the shade, these youths had to walk 16 miles daily. Some of them fainted by the wayside. Colonel Johnson thought it did them good ; it kept them

out of mischief! A Martial Law notice was torn from one of the walls of one college. The whole professional staff, including the Principal, were arrested, and marched under military escort to the fort, where they were kept in military custody for three days. They were given "a corner in the fort" for their accommodation, and allowed to sleep on the roof.

The closing of the *langars*, or public kitchens, which had been opened by philanthropic persons, has already been referred to. Colonel Johnson gave as the reason for this that they were used for seditious propaganda. Under cross-examination he could produce no justification for this assertion. He had no evidence, and he could not say who gave him the information.

His evidence regarding the floggings was nauseating. He declared that these were not public but *quasi*-public floggings, whatever that may mean. They were only inflicted on people of low social status. He was not a doctor, and could not say whether whipping might affect the health of the victim. But he thought it was an essential punishment. People liked going to

gaol, and flogging was a better deterrent. An instance of the spirit in which the flogging punishments were administered is provided by the case of a whole wedding party, including the priest, being flogged for being in the street after hours (weddings in India take place after sunset); but it is due to Colonel Johnson to say that he admitted that this was "the one regrettable incident." It serves, however, graphically to indicate the sort of terror under which the people of Lahore lived for six weeks.

During all this time, flying columns were being sent out to the surrounding villages to make arrests and impress the peasants with the "might." The fashion in which this was done may be gathered from the following extracts from the Official Report :

"As the village headman (village of Narwar) refused to produce any evidence as to the persons culpable, the officer in charge ordered three headmen and four others to be beaten by a cavalry sowar." (No pretence of a trial!)

"On the same day (April 20) another flying column went to Muridke and Kamske, between

which places the telegraph wire had been cut ; this column was accompanied by a civil officer, and the latter, acting as a Summary Court, sentenced the headman of Kamske to a fine of Rs. 200 and a whipping for obstructive behaviour."

Mr. Jacob, the civil officer in question, described this affair in his evidence before the Committee. The headman (a person of high status in the village) was tied to a tree and publicly flogged for his own punishment and the edification of the village. There was apparently no court or pretence of judicial procedure, summary or otherwise. There was only summary flogging.

The Official Report tells us it was inevitable that some of the Ordinances should assume "a racial aspect," because attacks had been made "on one section of His Majesty's subjects." This is stated in excuse of the fact that the Curfew Order, the restrictions on travelling, and other orders of the same nature, were so framed as not to apply to Europeans. It is a fact, however, which will help to preserve for genera-



tions the racial hatred engendered by this campaign of frightfulness against the natives of the Punjab. The Report again admits, in the case of Lahore, that the orders fixing prices, etc., were "not of uniform success as economic measures." The import of grains was seriously affected. Colonel Johnson, however, was quite pleased with what he did in this respect, and the Europeans of Lahore entertained him at a farewell dinner and lauded him as the "protector of the poor"—the poor people, who suffered a six weeks' agony under his rule. The story of it, as told in his own evidence and in the Official Report, is sufficiently terrible. What would it be if we had the people's version?

It is due, however, to Colonel Johnson to record that he regarded himself, and, according to his own account, was so regarded by a large number of the people on whom he inflicted his administration, as a kindly and benevolent autocrat, who castigated the people for their own good. It was as a benefactor of the poor that he was entertained at a banquet by his fellow-countrymen in Lahore. But the tributes then

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paid to him cannot be said to equal that he paid to himself in giving evidence before the Hunter Committee. Many people, he declared, called on him to thank him for his administration of Martial Law, and to tell him how much they enjoyed it. It reminded them, they said, of the rule which their ancestors enjoyed in olden times! This was his solemn assurance to the Committee.

It is a common but mistaken tradition among Anglo-Indians in India that the Indians have no sense of humour!

## CHAPTER XIV

### HOW CROWDS WERE BOMBED AND MACHINE-GUNNED

To present a detailed account of the administration of Martial Law in all the towns and districts where it was applied would occupy more pages than this work can afford. The full story, so far as it has been gleaned from the examination of official witnesses, will be found in the report of the evidence before the Hunter Committee. For the present purpose it will be sufficient to deal with the record, in its more glaring details, of a few men in particular. Colonel O'Brien, who administered Martial Law in Gujranwala; Captain Doveton, who had charge of Kasur; and Mr. Bosworth-Smith, a civilian officer who was in command at Sheirkupura, particularly distinguished themselves. If "intensity" is the word by which to describe the administration at Lahore, one does not know where to find an adjective which would ade-

quately describe the terrorisation in which these officers indulged in their respective areas.

First, however, we have to deal with the bombing operations at Gujranwala, which were carried out by two R.A.F. officers, Major Carberry and Lieutenant Dodkins.

In Gujranwala the disorders which occurred were admittedly of a serious nature. Their gravity and causes have already been discussed, and need not be gone into further. But there is no reason to believe, however they originated, that they were anything more than spontaneous outbursts of mob violence, such as have been known in England during the past year, or could not have been dealt with in the manner suggested by *The Times* in its article already referred to, as being adequate to deal with any riotous assembly that has occurred in India in recent years. If the disturbances in Gujranwala town and district, and in Kasur last April, justified the imposition of six weeks' Martial Law and the terrors that were inflicted on the people by Colonel O'Brien, Captain Doveton, Mr. Bosworth-Smith, Major Carberry and Lieu-

tenant Dodkins, then we should have seen in Liverpool and Luton last year the proclamation and continuance for six weeks of Martial Law, the bombing of crowds from aeroplanes, shooting from machine-guns, floggings in public and private, wholesale arrests and sentences of imprisonment *ad lib.*, leaving aside the little embellishments which took the fancy of an O'Brien or a Doveton.

When the news of disturbances at Gujranwala reached Lahore, it was no less a person than the Lieutenant-Governor himself who conceived the brilliant idea of despatching aeroplanes to the scene. It is a matter of dispute whether, when they arrived, the danger from the mob was not at an end. Such was the information, definitely given in an account which appeared at the time in the *Civil and Military Gazette*—an organ which represents the official classes. But the official view maintains otherwise. The Official Report says: "It is clear that at the time the police were still engaged in different directions in the attempt to *prevent further damage*." But however that may be the aeroplanes came

and proceeded to bomb the people. Let us take first the account in the Official Report. It tells us :

Two bombs were first dropped, being aimed at a large party of people at a village (Dhulla) outside Gujranwala, *the officer no doubt believing them to be rioters* going or coming from the city. One bomb fell through the roof of a house and failed to explode; one fell among the party, killing one woman and one boy and slightly wounding two men. Fifty rounds from the machine-gun were also fired into the party. Shortly after, another bomb was dropped at about a mile south of this place, another crowd being observed. The bomb dropped into a dry pond and did not explode; twenty-five rounds were fired from the machine-gun, but, *as far as is known* (months afterwards!), without damage. At 3.35 the officer attacked a crowd of some size near the Khalsa High School and Boarding House on the outskirts of the town; one bomb was dropped and thirty rounds fired from the machine-gun. *As far as is known*, on this occasion one man was hit by a bullet, one student by a splinter, and one small boy stunned. At 3.40 p.m. two bombs were dropped near a mosque (Mohammedan church) in the town; these failed to explode. The aeroplane was now directly over the scene of the worst of the disorder. A hundred and fifty rounds were fired from the machine-gun at crowds in the street; one bomb was dropped on the crowd near the burning goods shed, killing four men and wounding five men; one bomb was dropped on the crowd in front of the station, killing two and wounding six. This makes a total of eight in all. The rumour that a large number more were dropped is probably due to confusion between the dropping of bombs and the firing of the machine-gun. . . . *As far as has been ascertained up to the present*

(months afterwards !) the total number of persons killed by the police was three, and by the aeroplanes nine ; twenty-seven in all were wounded by police and aeroplanes.

The public are asked to believe that this promiscuous dropping of bombs and the firing of altogether 255 rounds of a machine-gun, apparently at close quarters, into crowds of people, resulted in the killing of nine and wounding of only about sixteen people ! Can anyone, who remembers the work of the German aeroplanes in England during the war, doubt that the popular assertion of many more casualties is well founded ? The Report is transparently dishonest. The effect of the firing of fifty rounds into the first crowd is not mentioned ; and thrice we have the saving phrase, “as far as is known,” or “as far as can be ascertained,” while stress is laid on the bombs that did not explode. A party of peasants far from the scene of disorder is fired on because, “no doubt,” the officer *believed* them to be “rioters going or coming from the city.” If there had been no casualties, the motive and intention of the whole thing remains horrible, but it is asserted, and it is

hard not to believe it, that there were far heavier casualties than are mentioned in this Report.

Colonel O'Brien, in his evidence before the Committee, said the crowd was fired on "wherever found." This was referring to the aeroplanes. Once it was found, by an aeroplane in charge of Lieutenant Dodkins. R.A.F., in the form of twenty peasants in a field. Lieutenant Dodkins said he machine-gunned them till they fled. He denied that they were engaged in harvesting operations, which is alleged to be the fact. "They were standing in a group and talking." He saw another party in front of a house being addressed by a man, so he dropped a bomb on them because he "had no doubt in his mind that they were not a marriage or funeral party."

Major Carberry, R.A.F., was the gentleman who bombed a party of people, because he thought they were rioters going or coming from the city. These wretched people fled after the bombs were dropped, and he then pursued them to a village with a machine-gun. "He could not say if any casualties were caused by the machine-gun



firing.” Major Carberry’s account in his evidence of the bombing and machine-gunning in the city differs from the Official Report. The Official Report speaks of 150 rounds. The report of Major Carberry’s evidence says he followed up the bombs with “*several hundred rounds* of machine-gun fire on the town itself.” He also bombed a party in a field. ‘They numbered, he said, about two hundred. “He could not say if they were making for the city.” “Some time after” his pursuit of the first party with machine-gun fire he dropped two bombs on another village. One exploded : casualties not mentioned.

Major Carberry’s state of mind may be gathered from some further extracts from the report of his evidence :

“The crowd was *running away* and he fired to *disperse them*.

“As the crowd dispersed, he fired the machine-gun into the village itself. He supposed some shots hit the houses. He could make no discrimination between the innocent and the guilty.

“He was at a height of feet 200 and could see

perfectly what he was doing. His object was not accomplished by the dropping of bombs alone.

“The firing was not intended to do damage alone. It was in the interests of the villagers themselves. By killing a few, he thought he would prevent the people from collecting again. This action had a moral effect !

“After that he went over the city, dropping bombs, and *fired at the people who were trying to get away.*”

Let it be remembered that these operations were conducted not against a city and villages in a hostile territory of a country with which Great Britain was at war ; they were not reprisals for similar acts against ourselves. They were inflicted on an unarmed civilian population of a province whose loyalty and sterling assistance to the Empire in the war was Sir Michael O'Dwyer's constant boast, when it suited him to “boost” his own achievements as a Lieutenant-Governor. And they were carried out for the purpose of suppressing the violence of a mob which, as *The Times* has said, could have been dispersed by a dozen armed policemen.

## CHAPTER XV

O'BRIEN, DOVETON, AND BOSWORTH-SMITH

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GUJRANWALA, Kasur, and Sheikupura, like Amritsar and Lahore, had their Curfew Order, prohibition of travelling for Indians, floggings public and private, wholesale arrests and punishments by Summary Courts and Special Tribunals. They had also the variants which suggested themselves to the minds of the individual administrators, who were out to impress the people with the might of the British Raj, as represented by Colonel O'Brien, Captain Doveton, and Mr. Bosworth-Smith.

Colonel O'Brien was responsible for an order that when Indians met British officers they must salute, alight from their carriages, or dismount if they were riding or driving, and lower their umbrellas if they were carrying any. This order, Colonel O'Brien told the Committee, "was good by way of bringing home to the people that they had new masters." People were whipped, fined,

and otherwise punished for disobedience of this monstrous order. He was responsible for the arrest of numbers of people, who were kept in gaol for as long as six weeks without being brought to trial. In one case a number of leading citizens were summarily arrested, put in a goods truck, where they were huddled together after being marched several miles in the burning sun, some of them half clad, and sent by train to Lahore. They were refused permission to answer the calls of nature, and were kept in the truck in these conditions for about twenty-four hours. Their horrible plight hardly needs description. As they were marched through the streets, an ever-growing crowd of prisoners—for Colonel O'Brien went on making arrests indiscriminately as he proceeded—they were handcuffed and chained together. Hindus and Mohammedans were chained together. This was regarded by the populace as a jibe at Hindu-Moslem unity. Colonel O'Brien said it was accidental. As an example of the spirit of the whole proceeding it may be mentioned that one of the victims, an elderly citizen, was a noted

benefactor of the town, who gave a lakh of rupees (£10,000) to found the King George School in commemoration of the King's visit, and had contributed largely to war relief funds and war loans. Such was the reward of loyalty !

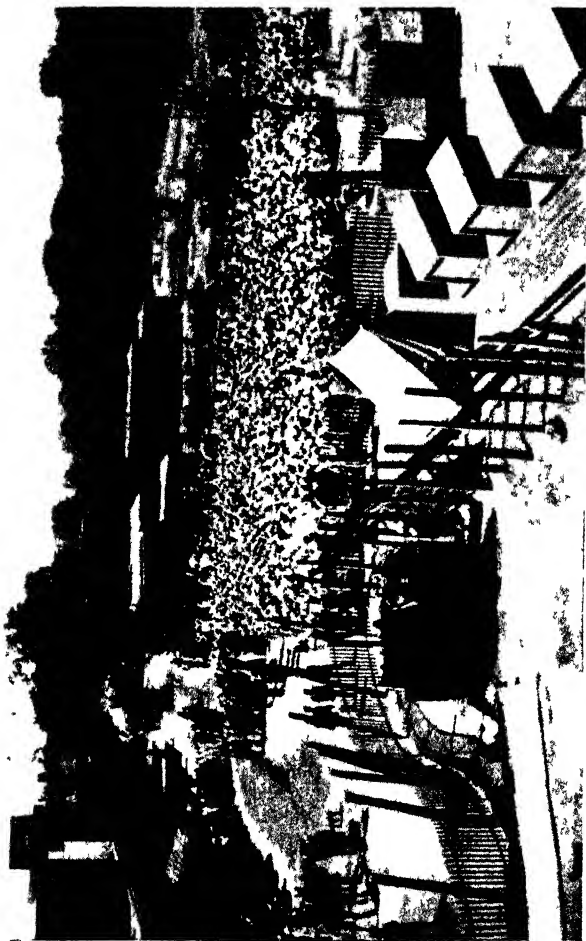
Another example of Colonel O'Brien's methods is the arrest of an elderly farmer, as a hostage for his two sons, whom he was unable to produce. Colonel O'Brien ordered this man's property to be confiscated, and issued a warning that *anybody attempting to help him with his crops would be shot*. He admitted the man had committed no offence himself, but "he did not say where his sons were." He assumed that under Martial Law he could pass such an order ! Afterwards the man's pension was stopped.

These are only incidents in Colonel O'Brien's lengthy record. He was a real "terror" to the people while Martial Law lasted, with his floggings, summary arrests, and marchings hither and thither, imposing his methods of "the new masters" on all and sundry ; while at other times he sat in Court sentencing people, who were sometimes hardly allowed to defend themselves.

Two hundred persons were convicted by Summary Courts, and received sentences of whipping, or from one month up to two years' imprisonment. The Commission convicted 149 people, of whom 22 were sentenced to death, 108 to transportation for life, and others to sentences varying from ten years downwards. In addition to this, heavy fines were inflicted on towns and villages, and additional police imposed on the "disturbed" area at the cost of the inhabitants. In one case—the alleged burning of the King's effigy by some people at Ramnagar—Colonel O'Brien himself disposed of the trial of a large number of persons, who were all sentenced to the full term of imprisonment, in one day. There was an enormous number of witnesses for the prosecution and defence, but Colonel O'Brien polished off the lot in a few hours, with his rough-and-ready methods of "swift justice," while a police-sergeant, who gave evidence for the defence, was subsequently punished "for trying to hush up matters." The whole incident of this burning of the King's effigy is stoutly denied by the people of Ramnagar, and an unofficial investiga-

tion into it justifies the suspicion, if not an actual belief, that it was fabricated. Colonel O'Brien's final achievement was to rush a large batch of cases through in about twenty-four hours, when he heard that Martial Law was to terminate the next day. The people concerned were given little opportunity of defending themselves, and cases fixed for some days ahead were rushed into the Court post-haste, so anxious was Colonel O'Brien that none should escape his justice by reason of the lapse of Martial Law.

Captain Doveton was associated with Colonel O'Brien in the administration of Martial Law. He was in a sort of independent command in the Kasur subdivision, the headquarters of which is the fairly large town of Kasur. At this place a public gallows was erected for hangings, though apparently it was never used, and was taken down by order of the superior authorities. It was there, however, for some days to the terror of the inhabitants. A large public cage was also erected near the railway station, designed to accommodate 150 persons, and here suspects were incarcerated before the



THE (AGE) CONSTRUCTED AT KASUR FOR THE DETENTION OF SUSPECTS





public gaze. The whole male population of the town was paraded for identification.

Floggings took place in public, and photographic records of these disgusting incidents are in existence, showing that the victims were stripped naked to the knees, and tied to telegraph poles or triangles. Publicity was not casual, or accidental, but designed. A sort of levee of the "bad characters" of the town was held for the purpose by Captain Doveton's order, and on at least one occasion prostitutes were brought to witness the floggings. Just as Colonel Johnson had his "one regrettable incident," when a wedding party was flogged, this flogging in the presence of prostitutes was the one thing which seemed to excite Captain Doveton's shame when he was taxed with it, while giving evidence before the Hunter Committee. His explanation was that he had ordered the sub-inspector of police to round up the bad characters, and bring them to witness the floggings, but was "horrified" when he saw these women there. But he could not send them away, because he was *unable to find an escort*

for them. So they remained to witness the floggings. We can leave the explanation to the reader for what it is worth!

Captain Doveton was a prolific inventor of "minor punishments." His sole object in inventing minor punishments, he told the Committee, was to make things "as mild as circumstances would permit." Circumstances were not very merciful in this respect. Offenders against Martial Law were set to work at loading and unloading goods waggons in the station yard. He instituted a system of making people touch the ground with their foreheads—a sort of variation of Colonel Dyer's crawling order. It is alleged that some persons were whitewashed by his orders, and it cannot be said that his denial of the incident, in view of the evidence, is altogether acceptable. He was also accused of having made a man dance before him with a fool's cap on his head. He denied this, but admitted another form of "minor punishment," which consisted in ordering an offender to compose a poem in his honour!

Captain Doveton was quite assured in his own mind that he was a popular personage in Kasur.

Wherever he went, he assured the Committee, he got a cheery greeting, and he was also thanked for his firm administration of Martial Law. He had to admit, however, that some of the unappreciative inhabitants fled from the town to escape his attentions. Their ingratitude was punished by the confiscation and destruction of their property !

Mr. Bosworth-Smith is a civilian officer, who administered Martial Law in the subdivision of Sheikupura. He administered it with an "intensity" which rivalled that of any of his military competitors. He admitted that Martial Law was not "essential," but he thought it was "desirable," and keeping it on was a "good thing." He tried all the cases in his area, and, as elsewhere, sentences of flogging were inflicted, which were carried out at the rising of the Court. He tried 477 persons between May 6 and May 20. The floggings, he said, were not public. But it transpired that his interpretation of a public flogging was one that did not take place inside the city or town. It did not apply to floggings which were witnessed by all persons

attending the Court, while flogging which took place at the "Canal bungalow" was not, he admitted, "altogether private." He made an enormous number of arrests, and tried a very large number of cases, a remarkable feature of which was that, according to his own record, the accused with a very few exceptions always pleaded guilty. This was peculiar to Mr. Bosworth-Smith's Court. He seemed to exercise a subtle influence over the persons brought before him, which produced wholesale admissions of guilt. Convictions, it is alleged, were based on the evidence of three or four railway officials.

Mr. Bosworth-Smith made a report to the Government on the disturbances, an abstract of which was placed before the Hunter Committee. In it he made a number of sweeping statements regarding the disloyalty of the people, and was especially inimical to the pleader (lawyer) class. "There is no place," he said, "where disloyalty is so deep as in Delhi, Lahore, and Amritsar." He was cross-examined on this by Sir Chimanlal Setalwad, and the following extract from the report is interesting as showing the

grounds, or want of them, on which he made a wholesale incrimination of this kind.

Q. Had you any personal experience of Delhi ?

A. I spent some months there.

Q. Had you ever been officially connected with that place ?

A. No.

Q. On what material did you base your statement ?

A. It was a confidential report to Government.

Q. But when you make a confidential report surely any opinion you express therein must be based on some material ?

A. I had my own opinion.

Q. You don't arrive at opinions without material. What is the material on which you based your opinion ?

A. I prefer not to say.

Q. Why don't you care to enlighten the Committee on the matter ? Is it against public interest or were you ordered by the Government not to say ? Why are you so unwilling ?

A. I don't care to say.

Q. I want to have your position clear. You don't want to answer the question ?

A. I have already said I don't think it is desirable.

Q. Is it against public interest ?

A. I don't wish to answer this.

Q. May I know your reason ?

A. I don't wish to give it to you.

Q. You don't wish to answer the question and you don't wish to give your reasons ?

A. Yes.

Q. You think this is the way in which to come here to assist the Committee.

No answer !

Q. Does the same thing apply to your assertion regarding Lahore and Amritsar ?

A. The same.

\*                      \*                      \*                      \*                      \*

All the witnesses mentioned in this chapter were questioned regarding an order, issued by the military authorities, compelling schoolboys to parade three times a day to salute the flag. The order applied to the infant classes and children of five and six years of age were included. It is actually alleged that there were fatal cases of sunstroke resulting from this, and it is admitted that children fainted from undue exposure to the sun. It is alleged, too, that in some instances the boys were made to repeat, "I have committed no offence. I will not commit any offence. I repent, I repent, I repent." In such ways were love and respect for the British flag inculcated. Here are some extracts from the reports of the evidence pertaining to this :

"Major Smith, Administrator of Martial Law in Gujranwala, Gujrat, and Lyallpur, was asked by Sir Chimanolal Setalwad whether the order was enforced in all places in his area and whether it applied to all classes, including infant classes,

The Major replied that it applied to all places in his area *where there were troops*, and that even infant-class boys of the ages of five and six were required to attend the parade, but the little boys were exempted from the evening parade. The object of this parade, he explained, was to inculcate in the boys, some of whom in his opinion had taken part in the riots, respect for the British, and in part it was meant as a punishment. He did not think it a hardship for these little boys of the infant classes who had taken no part in the riots to go day after day to the parade ground, and he would do the same thing again if he considered it necessary."

Colonel O'Brien, in his evidence, said that "one day when he was at Wazirabad he saw a boy fainting during his march to the flag, and wrote to the military authorities. He did not know if the next day this duty was increased from two to three times. Questioned if it was so done would it not be hard on the boys, Colonel O'Brien said 'No.'"

Mr. Bosworth-Smith said he "could not say



if boys were made to repeat at parades the words of repentance quoted above.

The idea of repentance, however, was greatly to the fore in the mind of Mr. Bosworth-Smith. He admitted that he had suggested the erection of a "House of Repentance" at Sangla. "His idea was good," he said. It was not true that he had suggested that the cost of the hall, estimated at Rs. 10,000, should be borne by pleaders. "Speaking somewhat roughly, his idea was, plainly, that people should go inside this house and repent. The plan had never been laid before Government. So far as pleaders were concerned he had submitted a confidential report to the High Court recommending disciplinary action against some."

Mr. Bosworth-Smith had also practical methods of enforcing repentance. He arrested some 125 persons at Sangla, and when the "respectable people" of Sangla agreed to the payment of a fine of Rs. 50,000 he released most of the arrested persons! There is a strange likeness in this to German methods in France and Belgium.

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PART V

*RESPONSIBILITY*

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## CHAPTER XVI

### THE DUTY OF THE BRITISH PEOPLE

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It is not to be supposed, as has been indicated already, that the matters related in the foregoing pages have by any means exhausted the whole terrible story of the agony inflicted on the people of the affected areas in the Punjab. General Dyer's *battue*, the bombs and machine-guns of Major Carberry and Lieutenant Dodkins, and the shooting of crowds at Lahore, do not even exhaust the story of reprisals of this description. An armoured train was let loose on the villages of Sheikupara. It was in command, of course, of a military officer, and accompanied by a civil officer, Lala Sriram, who gave the Hunter Committee a lurid account of how it would descend on a village and turn its machine-gun indiscriminately on the villagers in the street or in their fields, not because they were doing anything at the time, but because somebody had done something and it was

necessary to strike terror into the population. There are no details of casualties, but the affair of this armoured train appears to have been as terrible in its way as the massacre at Amritsar, the people being fired on relentlessly and indiscriminately, without inquiry and without warning.

But it is impossible to record everything, or even a tithe of it, in detail. Those who wish for a full acquaintance with the whole terrible business must go to the reports of the evidence taken before the Hunter Committee. The object of this book is to rouse the British public to a sense of the gravity of the crime that has been committed in their name by persons to whom their authority has been entrusted. And surely enough has been recorded to form an indictment, which cannot remain merely as a record. We have seen how these disturbances arose, the policy and methods that provoked them, and that, serious as they undoubtedly were, they were, when all is said and done, merely outbreaks of mob violence and not a "rebellion" or a "war" against the King, as

the official witnesses asserted and the Martial Law Tribunals found. As a result of these outbreaks, the population of the Punjab was subjected to all the severities which must attend the administration of Martial Law in any circumstances, accompanied by the terror of vindictive reprisals and atrocities, such as those for which the world has condemned the Prussians in France and Flanders, but which nobody could have conceived could be committed by British officials in a province of a loyal dependency, to whom Great Britain is under the deepest debt of gratitude and reward. Let it be remembered that, while some had to suffer in the acutest form the methods described in the preceding pages could inflict, there is not a solitary inhabitant of these areas who did not have to feel the "intensity" of this régime of blood and iron. Those who have come from the Punjab since have endless tales to tell of the sufferings of the population as a whole and of individuals in particular under this régime of Curfew Orders, travelling restrictions, enforced opening of shops and labour, wholesale arrests, confinement in

solitary cells, public parades of innocent and guilty alike, punishments for petty and unintentional breaches of Martial Law regulations, and enforced submission to the bullying and threats of a domineering official caste, who celebrated the end of the war with an orgy of tyranny and blood. Here in England we have to consider the effect of all this on the people, not only of the Punjab, but the whole Indian people, who have been hearing from day to day of the sufferings inflicted on their fellow-countrymen in our name.

The matter cannot be left in the hands of the authorities in India, under whom these tragic events were allowed to take place. And it must be taken out of the hands of the Secretary of State for India, who failed to appreciate their gravity or to realise his own responsibility, who is never tired of publicly giving expression to the confidence he reposes in Lord Chelmsford, the Viceroy of India, and who weakly submitted to the Government of India in allowing them to pass an Act of Indemnity, and to appoint their own Committee of Investigation into matters where

their own responsibility and degree of blame is essentially one of the most important questions for public inquiry. It is necessary, therefore, to examine the degree of responsibility resting on the shoulders of each of the authorities concerned, to press for a fuller and wholly impartial investigation by a Royal Commission, and to see how the British people can fulfil the responsibility that rests upon them, not merely to vindicate their humanity in the eyes of the world by the trial and punishment of the guilty, whoever they may be, but to ensure by statutory legislation that the people of India are able to protect themselves in the future against a recurrence of such an outburst of tyranny, and such infliction of suffering.

#### RESPONSIBILITY OF THE PUNJAB GOVERNMENT AND ITS OFFICIALS.

There are three authorities, primarily, whose responsibility we have to discuss. These are, in the reverse order of their importance but their respective order of responsibility, \*the Government of the Punjab, the Government



of India, and the Secretary of State for India, who is directly responsible to Parliament and the Crown for everything that is done in India in their name, and under their authority. The Government of India is responsible to the Secretary of State, and the Government of the Punjab is responsible to the Government of India, who can at any moment veto any action it proposes to take, and without whose acquiescence, approval, or direct orders, as the case may be, it could not have imposed Martial Law, and done or caused or allowed to be done or approved all the things that were done under its authority, or approved by it, either before or during the administration of Martial Law.

The Government of the Punjab is vested practically in the supreme authority of one person, the Lieutenant-Governor, who, unlike the Governors or Lieutenant-Governors of most other provinces in India, governs without an Executive Council. Up to the time of the proclamation of Martial Law, everything that was done in the Punjab was done under the civil authority of the Lieutenant-Governor of the

Punjab, Sir Michael O'Dwyer, who is thus personally responsible for the arrests of the people's leaders at Amritsar, which led to the outbreak and was really the beginning of all serious trouble in the Punjab, and the firing on the crowd at the Hall Gate Bridge. How far his responsibility is enhanced in regard to some of the earlier events is a matter for investigation. But it is on record that he ordered the arrest and deportation of Dr. Satyapal and Dr. Kitchlew over the heads of the local officials, to whom apparently the order came as a surprise, and who had not themselves considered this drastic action to be necessary. So far as subsequent events before the proclamation of Martial Law are concerned, Sir Michael O'Dwyer could only be exonerated from any personal responsibility as Lieutenant-Governor, if it could be shown that he had in any case disapproved any action taken by his officials at Amritsar, or countermanded any\*of their orders. But we know that, on the contrary, he expressed his definite approval of General Dyer's action in shooting down about two thousand people at Jallewallian Bagh without warning, and allowed

it to be conveyed to General Dyer by General Beynon, his superior, that he, the Lieutenant-Governor, considered his action to be correct. In his letter to *The Times* recently, Sir Michael O'Dwyer complained that that journal had criticised him unfairly in this matter by the suggestion that he sent the telegram of approval himself. And he entered into an elaborate explanation of how, at a time when he was very busy receiving reports of disturbances, General Beynon pressed him for an expression of approval of General Dyer's action, and he ultimately gave his sanction over the telephone for such approval to be sent. In the same letter he gives it as his considered opinion that Dyer was right in what he did. It is difficult, therefore, to understand the object or meaning of his protest. But however the approval was given, the fact remains that he approved and definitely accepted the fullest responsibility, and continued his approval of General Dyer's administration of Martial Law and general assumption of authority before Martial Law was proclaimed, and before he was possessed of any legal authority at all.

As regards the firing at Lahore on demonstrators who had been guilty of no violence whatever, all this took place under Sir Michael's direct gaze, if not at his actual direction. He was in Lahore throughout, and consulting hourly with his secretaries and the local authorities.

For the bombing incidents at Gujranwala he is also directly and primarily responsible. It was he who ordered the aeroplanes to be sent to Gujranwala, and there is no evidence that he at any time disapproved of the excesses that were committed by the officers in charge of them

Sir Michael O'Dwyer was also jointly responsible with the Chief Commissioner of Delhi for the arrest of Mr. Gandhi, another most potent cause of trouble throughout the Punjab. At a time when Mr. Gandhi was on an errand of pacification, Sir Michael O'Dwyer issued his ukase prohibiting the entry of Mr. Gandhi into the Punjab, a provocative and unnecessary action which led to Mr. Gandhi's arrest and his disappearance in custody for a day, thus leading the people to suppose that, like Dr. Satyapal and

Dr. Kitchlew, he had been taken away for internment.

So far as the actual administration of Martial Law is concerned, there is an indication in Sir Michael's letter to *The Times* that he is inclined to plead that he had no authority to interfere with military orders. He sets up this defence, even in regard to an order that was issued apparently before Martial Law was proclaimed. But however that may be, his authority in the Province remained supreme, Martial Law or no Martial Law. And the circumstances are such that it is clear that Sir Michael O'Dwyer, as Lieutenant-Governor, was cognisant of, approved of, and is responsible for, all that was going on. He was in Lahore throughout and in consultation with Colonel Johnson all the time, while Colonel O'Brien and others entrusted with the administration of Martial Law referred to the Punjab Government, at times, for the assurance that they would be indemnified for the drastic measures they were enforcing. It has been declared in evidence that it was the Punjab Government that ordered the erection of the

public gallows at Kasur. And we cannot find that Sir Michael O'Dwyer at any time used his authority or influence to lessen the horrors that were inflicted on the populace. On the other hand, his chief Lieutenant and coadjutor, Mr. Thompson, the Chief Secretary of the Punjab Government, strenuously defended the whole administration of Martial Law in the Imperial Council subsequently; and he spoke for the Government of the Punjab, of which Sir Michael O'Dwyer was the supreme autocratic head. Finally, we have the declaration of Lord Chelmsford, the Viceroy, made publicly in the Imperial Council, that he had given the Lieutenant-Governor the fullest latitude to deal with the situation, a pronouncement which, while it does not absolve the Viceroy from ultimate responsibility as may have been the intention, shows the responsibility of Sir Michael O'Dwyer throughout to be clear and undoubted.

One of the gravest counts in the indictment against Sir Michael O'Dwyer, as Lieutenant-Governor of the Punjab, is the policy of concealment which he deliberately pursued. In

the first place, from the beginning every newspaper in the Province was placed under pre-censorship by the Government and nothing, either by comment or report of events, could be published without being submitted for official approval and sanction. In this way the publication of inconvenient exposures of the methods that were being pursued was prevented at one stroke. Editors who showed any independence in their attitude were drastically treated. Mr. Kalinath Roy, editor of *The Tribune*, a most respected journalist, greatly esteemed in his profession and by all classes of the public, was tried and sentenced to two years' hard labour on a far-fetched interpretation of an article he had published. His paper had to suspend publication. The restrictions on travelling made it well-nigh impossible for anyone likely to carry the news of what was going on to get out of the Province, and one man who got to Bombay by way of Karachi—a highly respected citizen of Lahore—and wrote an account for the *Bombay Chronicle* of events in Lahore, was subsequently arrested, tried under the Defence of India Act,

and sentenced to two years' imprisonment.\* Several Indian papers in other Provinces joined in appointing Mr. C. F. Andrews, a well-known ex-missionary and public man in India, as their correspondent to go to the Punjab and investigate the terrible reports that were being heard of the events taking place. Sir Michael O'Dwyer refused to admit him, and on Mr. Andrews none the less proceeding, he was arrested and sent back. In the meanwhile, there was of course a rigid censorship of all telegrams.

The length to which this policy of exclusion was carried is evidenced by a still more extraordinary proceeding. In Lahore, Amritsar, Gujranwala, and other places, all the leading men who had taken any part in agitation against the Rowlatt Act, and many others as well, were under arrest, and charged with serious offences, such as "waging war against the King" and conspiracy against the State. They were anxious, naturally, to obtain the best legal assistance available from Calcutta and Bombay, apart from

\* The editor of the *Bombay Chronicle* was deported very shortly after publishing the account.



the fact that the terrorisation of the local legal fraternity was making it difficult to persuade lawyers in the Punjab to take up Martial Law briefs. The Punjab Government, except in one instance under great pressure, refused to allow any barristers from outside the Province to come into it. Such leading Indian counsel as Pundit Motilal Nehru, Mr. C. R. Das, and Mr. B. Chuckerbutty, and European counsel, like Mr. Eardley Norton, were refused admission. One accused, a well-known banker, merchant, and philanthropist, who was among those arrested, could only convey the papers in his case to his lawyers in Allahabad by getting his son to travel in disguise, accompanied by another man. These two changed the papers from one to another at the various stations where all Indian passengers were searched, and ultimately succeeded in reaching Allahabad after several days, dropping from fatigue and starvation.

Sir Michael O'Dwyer's responsibility, however, does not begin and end with the chapter of events in the Punjab last year. The indictment is more extensive and raises the whole conduct of the

administration of the Punjab over a series of years. The methods of recruitment and of raising of war loans in the different Provinces of India have been mentioned in an earlier chapter. In the Punjab these methods reached a pitch of oppression which was provocative of long-smouldering discontent, to which the ultimate shock of the Rowlatt Act was the culminating stroke. Nowhere was the Defence of India Act, with its host of liberty-destroying regulations, applied with greater intensity than in the Punjab. Newspapers were suppressed one after the other, and public men restricted and interned, the while Sir Michael O'Dwyer, in the Imperial Council or the Durbar Halls of his own Province, delighted to boast of the loyalty of its people, which he extolled to the detriment of those of the other Provinces. The recruiting campaigns exhibited the methods of the press-gang, and various other modes of pressure which could, legally or otherwise, be brought to bear on people unwilling to contribute a sufficiency of recruits to the Army; and districts which were remiss in this respect were accorded the honour of a special

visit from the Lieutenant-Governor, which was followed by a general tightening of the screws and speeding-up of the repressive methods notoriously employed. If the object had been to destroy any feelings of loyalty and affection for British rule, and to crush out political life in the Province, the whole policy in the Punjab, and the methods by which it was pursued during the four and a half years of war, could not have been better devised for the purpose. All this played its part in producing a general spirit of discontent and unrest in a Province noted for its peaceful character and loyalty to the Empire in the past, and requires to be strictly investigated.

As for the officers of the Punjab Government, civil and military, under whom and by whom Martial Law was administered, the record of those chiefly responsible has been given to us out of their own mouths. General Dyer, Colonel Johnson, Colonel O'Brien, Captain Doveton, Major Carberry Smith, Lieutenant Dodkins, Mr. Bosworth-Smith, Lala Sriram and others, have themselves related the deeds they committed. The Government of India have passed

an Act of Indemnity, which makes it difficult, if not impossible, to sue or prosecute them in the Indian Courts. But that is no reason why they should not be called to answer for their conduct in England, where officers of the Crown in distant parts of the Empire can be held to account, under the law, for acts of oppression they may have committed. After the revelations of the Hunter Committee, Great Britain cannot, if she is to maintain her honour before the world, remain quiescent. She owes it as much to herself as to the people of India, who have been so deeply wronged, to probe this matter to the bottom, and to ascertain the joint and several guilt of all those concerned. And in doing so she will have to see whether the intention to terrorise the people of the Punjab was deliberate and prearranged. The military mind of the Prussian type is not confined to Prussia, and is liable to express itself in brutal and repressive fashion wherever the opportunity occurs. But we can claim that men of the Dyer and O'Brien type are exceptional in the British Army, and that our administrators are not men, usually,

whatever other defects they may have, who tolerate or approve of unbridled cruelty and ruthless oppression. It seems hardly conceivable that fortuitous circumstances could have produced, at one moment in one Province of the Empire, a coterie of officials who were capable of the frightful excesses which occurred in the Punjab last year. It is hardly credible that the moment should have found ready to hand the men to commit these excesses directly the opportunity occurred, and to vie with one another in their severity and cruelty. The question must suggest itself to the mind of those who know the British character as it really is, whether it was not by premeditated design that the right men were in their places ready for their job when the moment arrived. It is a question that must be fully examined. If the general character of our officials, civil and military, who are entrusted with dangerous powers in such countries as India, were such that outbreaks of terrorism of the kind we have seen in the Punjab are liable to occur at any time, we should be compelled frankly to abandon our claim to be a justice and humanity-

loving people. However ugly the facts we must investigate and face them.

LORD CHELMSFORD AND THE GOVERNMENT  
OF INDIA.

The responsibility of the Viceroy and the Government of India is equally clear and grave. Lord Chelmsford seems to think, judging from his utterances in the Imperial Council, that his responsibility ended when he had given Sir Michael O'Dwyer *carte blanche* to do as he liked, and by his insistence on a Committee of Inquiry appointed by himself, instead of by Parliament, has assumed that only the responsibility of the local Government and its officers is a fit matter for investigation. The fact is that his responsibility began when he gave the Punjab Government a free hand. But it did not end there. It continued throughout. It was on the authority of the Government of India that Martial Law was proclaimed, and it was by their authority that it was continued for six weeks. They also proclaimed the Ordinances by which Tribunals were set up, superseding the

ordinary courts and making Martial Law retrospective, thus roping in people who had been guilty of no violence, were not "taken in arms"—as indeed nobody was—and subjecting them to trials from which the most elementary requirements of justice were almost entirely absent, and by judges who were authorised to ignore all the statutory codes. It is not too much to say that, if the propriety of these proceedings were accepted, anybody who had made a speech against the Government prior to disturbances, in which he had no lot or part, but which arose out of the same agitation, would be liable to conviction for seditious conspiracy or waging war against the King.

Nor can Lord Chelmsford and his Government plead ignorance of what was going on under Martial Law. In spite of Sir Michael O'Dwyer's rigorous policy of concealment, news of the Amritsar massacre, though not at first of its full horror, the public floggings and many of the other excesses, reached the public in other parts of India, and numerous protests and appeals were made to Lord Chelmsford to stay the

hands of the Lieutenant-Governor and the military authorities. All were met, however, with a stern refusal to interfere, and the Indian public got nothing from the Government of India but an attitude of repression and public declarations, which might well cause them to believe they had been abandoned by those to whom they were entitled to look for protection, as, indeed, they had been. The only instance in which they intervened was the issue of an order to stop the public floggings after they had gone on for some days, which was accompanied by the explanation that they had taken place only in the case of those of low social status. Lengthy telegrams of protest were addressed to the Viceroy by the President of the Indian National Congress and other bodies, but nothing was of any avail.

As for the Amritsar massacre and the Gujranwala bombings, if they did not know of the gravity of these occurrences, theirs is a serious responsibility that they failed to make themselves acquainted with the full details of these terrible events. There is no reason to suppose, however,



that they did not know. But whether they knew them or not, it is a fact that they strenuously defended everything that was done in the discussions that took place later in the Imperial Council, and thus accepted responsibility. Sir William Vincent, for the Government of India, and General Hudson, Quartermaster-General, for the military authorities, attempted to justify or excuse all the acts committed by the civil or military authorities. They denied the full extent of the casualties at Amritsar admitted afterwards before the Hunter Committee by General Dyer, and hotly attacked the Indian members, who denounced these outrages, accusing them of exaggeration and inaccuracy. How they came to do this, when they must have had General Dyer's Report before them, is one of the matters which will have to be cleared up.

Finally, anticipating the inquiry of the Hunter Committee, they rushed the Indemnity Bill by their official *bloc* through the Imperial Council, in the face of the strong protests of the non-official members. The result of this is that, so far as India is concerned, officials responsible

for excesses and abuse of authority can only be dealt with departmentally. They are immune in the Indian Courts from prosecution or civil suits for anything done under Martial Law "in good faith."

The responsibility of the Viceroy and his colleagues is further emphasised by the fact that the Indian member of the Executive Council, Sir Sankaran Nair, actually resigned as a protest against the administration of Martial Law. Sir Sankaran Nair, to his credit, refused to remain a member of a Government which failed to perform the obvious duty of putting an end to these excesses. The question of the blame attaching to those who continued to connive at them is clearly one for investigation.

#### THE SECRETARY OF STATE.

We come next to the question of the responsibility of the Secretary of State. Mr. Montagu surprised the House of Commons, by indicating that he was ignorant of the gravity and extent of the casualties revealed in General Dyer's evidence. If he was ignorant, he was either

wilfully so or by his own neglect. At least he knew that statements, even more grave than that of General Dyer, regarding the Amritsar affair, had been made by responsible investigators, such as the Hon. Pundit Madan Mohan Malaviya, President of the Indian National Congress, and member of the Imperial Council. And had he pursued the lines of inquiry open to him, he must have ascertained that the probability was that the facts were far more grave than those communicated to him in the first instance by the Government of India. Mr. Montagu, in fact, had unusual opportunities of ascertaining to the fullest extent the details of what had been occurring in the Punjab. He was in frequent communication during the summer months with the members of Indian delegations, who were acquainted with the facts, and it is a matter of public knowledge that some of these gentlemen made strenuous representations to him on the subject. Moreover, Sir Michael O'Dwyer came home early in the summer, and we have it on record from Sir Michael himself that he communicated fully to

the India Office the facts of the Amritsar shooting — though perhaps not fully admitting the casualties—and apparently told Mr. Montagu of his approval of General Dyer's action. Again, Sir James Meston, a member of the Government of India at the time, was also in England throughout the summer, and in constant communication with the Secretary of State. And finally there was Sir Sankaran Nair, who came to England immediately after his resignation. Did Mr. Montagu learn nothing, or care to learn nothing, from the man who had resigned as a protest against these things, and, as is generally understood, came to England to lay the facts before the Government and the public? Mr. Montagu, however, is an impartial man, and has his own way of dealing with these things. He appointed Sir Michael O'Dwyer a member of an important Commission proceeding to India in connection with Army re-organisation, and made Sir Sankaran a member of the Secretary of State's Council. And Sir James Meston, who came to England on behalf of the Government of India, charged further to

eviscerate an already anæmic scheme of reforms, was made a peer and sent into the House of Lords to give the scheme, minus the Government of India's proposed modifications, his blessing!

Mr. Montagu, in fact, although he knew of the gravity of the charges that were being made regarding the administration of Martial Law in the Punjab, was a consistent defender and upholder of the authorities in India throughout.\* The most glaring example is to be found in the answers he made to questions put to him in June last, regarding the bombing of civilian crowds by aeroplanes in Gujranwala. He admitted that "a few bombs" had been dropped, but when asked by Colonel Wedgwood whether he would give instructions that civilian crowds should not be bombed in future, he replied:

*"No, sir. The responsibility for the administration of Martial Law must rest with those who have to administer it."*

And in reply to a further question, he added:

\* He has quite recently declared that Lord Chelmsford has enjoyed his full confidence throughout.

*"I refuse to interfere with the discretion of the military authorities."*

Mr. Montagu's theory of responsibility would quickly make an end of constitutional government if it were accepted. But he cannot divest himself of the responsibility that rests with a Minister of the Crown for all the acts done by those who derive authority, through him, from the Crown and Parliament. And the extent to which he has justified or neglected his responsibility must inevitably be as much the subject of investigation as the responsibility of General Dyer or Sir Michael O'Dwyer. We may as well abandon ourselves to anarchy as admit that responsibility for the administration of Martial Law rests alone with those who have to administer it, or that the Minister responsible to Parliament cannot interfere with the discretion of military authorities engaged in operations of the kind that we have counted first among the crimes charged against the Germans.

### OUR RESPONSIBILITY AND DUTY TO INDIA.

Finally, we have to consider the responsibility of the British people, and their duty in this matter to the people of India. It has been made clear, we trust, that our prime responsibility will not have been discharged until the disturbances in India last year, and their causes, and the measures adopted to deal with them, have been made the subject of a full and impartial investigation by a Royal Commission, on which Indians shall be represented, and which shall have power to fix the responsibility on all concerned, from the Secretary of State downwards; and unless, when that has been done, those who have been guilty of oppression are brought to trial, and if convicted, adequately punished for their misdeeds.

But there is more than that. We have to ensure that, so far as is humanly possible, the people of India are duly protected from having forced upon them liberty-destroying laws and the recurrence of such oppression as that inflicted on the people of the Punjab last year. They

cannot be allowed to remain at the mercy of an autocratic Government, armed with repressive weapons, which it can bring into use at any moment to supersede the civil law and the most elementary process of justice. The ordinance-making powers of the Government of India, which the Judicial Committee of the Privy Council holds it to possess, exceed anything which is decently conformable to the needs of a civilised State. While the ordinary Courts are still sitting, while there is actually no danger to the State from any rebellion or armed rising in being, the Government can bring into force its ordinances, and subject people to the whim of courts which have power to ignore and supersede all the existing codes and laws of procedure and evidence by which justice is normally secured, and to follow any sort of procedure they may choose to lay down; and the application of such an ordinance may, apparently, be made retrospective to any extent. This, in itself, quite apart from the dangers attaching to the easy terms on which Martial Law may be imposed on the Indian people, is a danger to which no



people living under the pretence of a just and humane Government should be exposed. Such power in the hands of a responsible Government would be bad enough. To place such resources in the hands of a Government which owes no responsibility to the people it governs, and is responsible only to a Parliament seven thousand miles away, which learns of events of the most grave nature eight months after they have happened, is to invite abuse.

But it is not enough merely to destroy the ordinance-making powers of the Government of India. It would still remain an irresponsible Government with autocratic powers. The scheme of reforms embodied in the Act which has recently passed through Parliament, and is sometimes humorously called Mr. Montagu's Home Rule Act, leaves the autocracy of the Government of India absolutely untouched in all essential matters. Those who know the present temper of the Indian people, and how profoundly they have been stirred and embittered by the events of last year, are under no illusions as to their attitude towards a measure of reform which

leaves them as helpless as before in the face of such oppression as may be meted out to them. Quite apart from all considerations of the principle of the right of self-government, they realise that it is absolutely essential for their own safety, for the restoration of the liberties of which they have been deprived, that they should have the fullest power of control over their own Government necessary to protect themselves from oppression, and to save them from the humiliation and suffering they have recently undergone. There is no other way to ensure that safety but to make the Government responsible in the first instance to themselves, and to no one else. And if the British people believe that their own interests and safety are inseparable from the Indian connection, let them realise that the only assurance of that connection lies in the full recognition of India's right to responsible government now, and without equivocation ; for nothing is more certain than that the road to infinite trouble in India and ultimate separation lies along the tedious way of half-hearted reforms and the claim to determine for India from time

to time what she is entitled to determine for herself—the sort of Government under which she is to live.

Let those who can be moved by the knowledge of what India has been made to suffer, at the hands of persons wielding power in their name ponder whether, in the light of that knowledge, they can still acquiesce in the denial to her people of that full freedom which they have fought, not only to win for the oppressed peoples of Europe, but to preserve for England herself.

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